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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92042082
Party	Defendant International Gold Star Trading Corp.
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

FOUR SEASONS DAIRY, INC.,	)
	) Cancellation No.
Petitioner,	) 92/042,082
	)
vs.	) Mark: Babushka's Recipe
	)
INTERNATIONAL GOLD STAR	) Reg. No. 2,479,287
TRADING CORP.,	)
	)
Registrant.	)
-----	)

CONFIDENTIAL EXAMINATION OF ROBERT PINCOW  
New York, New York  
Thursday, October 16, 2008

Reported by:  
KRISTIN KOCH, RPR, RMR, CRR, CLR  
JOB NO. 19189a

October 16, 2008

10:08 a.m.

Confidential Examination of ROBERT  
PINCOW, held at the offices of Cohen,  
Pontani, Lieberman & Pavane, LLP, 551 Fifth  
Avenue, New York, New York, before Kristin  
Koch, a Registered Professional Reporter,  
Registered Merit Reporter, Certified  
Realtime Reporter, Certified Livenote  
Reporter and Notary Public of the State of  
New York.

A P P E A R A N C E S:

SAMUEL FRIEDMAN, ESQ.

Attorney for Petitioner

225 Broadway - Suite 1804

New York, New York 10007

COHEN PONTANI LIEBERMAN & PAVANE, LLP

Attorneys for Registrant

551 Fifth Avenue - Suite 1210

New York, New York 10176

BY: ROGER S. THOMPSON, ESQ.

ALSO PRESENT:

GALINA PINCOW, International Gold Star

ALEXANDER BEKKER

OLEG KESSLER

1  
2 R O B E R T P I N C O W,

3 called as a witness, having been duly sworn

4 by a Notary Public, was examined and

5 testified as follows:

6 EXAMINATION BY

7 MR. THOMPSON:

8 Q. Mr. Pincow, thank you for joining  
9 us. Are you currently employed?

10 A. Yes.

11 Q. And where are you employed?

12 A. International Gold Star, Brooklyn,  
13 New York.

14 Q. And is that International Gold Star  
15 Trading Corporation?

16 A. Yes, it is.

17 Q. What is your position there?

18 A. I am the president.

19 Q. And what are your duties as  
20 president?

21 A. Basically to make sure the business  
22 runs properly.

23 Q. Do you have a particular area of the  
24 business in which you spend more of your time  
25 than others?

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2 A. Well, a big part of our business is  
3 the smoked fish production and that's what I  
4 tend to focus on.

5 Q. How about dairy products?

6 A. Very little.

7 Q. Are you familiar with dairy products  
8 sold by Gold Star?

9 A. Yes, I am.

10 Q. And are you familiar with products  
11 sold under the name Babushka's Recipe?

12 A. Yes.

13 Q. Now, do you have a recollection from  
14 your own memory of how it came to be that Gold  
15 Star began selling products with the name  
16 Babushka's Recipe?

17 A. Well, basically it was Galina's, my  
18 wife's, function to come up with different  
19 labels and since we sell to the Russian ethnic  
20 market or eastern European ethnic market, I  
21 assume that she decided that the Babushka name  
22 and label would be something that our market  
23 would be looking favorably to as a label.

24 Q. Were you at all personally involved  
25 in the development of that name?

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2 A. No.

3 Q. Do you remember your first  
4 discussion with Ms. Pincow about the name?

5 A. Not really.

6 Q. Do you have any recollection of when  
7 that first discussion would have been?

8 A. It would have been probably -- not  
9 probably. Somewhere a little bit over ten  
10 years ago.

11 Q. Do you remember the nature of that  
12 conversation?

13 A. No.

14 Q. Do you remember did she tell you she  
15 was using it -- that she was going to be using  
16 a new trademark or anything about that  
17 conversation?

18 A. No.

19 Q. In the last ten years have you  
20 personally observed the shipping of any  
21 products bearing the name Babushka's Recipe by  
22 Gold Star?

23 A. Yes.

24 Q. What are your personal experiences  
25 with that name and products?

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2 A. Well, I've seen us sell the product  
3 and I've seen it being shipped and I've seen it  
4 in different stores.

5 MR. FRIEDMAN: Would you mind if the  
6 court reporter reads back the last question  
7 that you asked.

8 MR. THOMPSON: Sure.

9 (Record read.)

10 Q. So could you please explain in just  
11 a little more detail what you have personally  
12 seen going on at Gold Star with respect to the  
13 name?

14 A. Well, with respect to the name, I  
15 know it's in our catalog for many years. I  
16 know that customers asked for the name  
17 Babushka's Recipe products. I know that we  
18 have been -- we have had these products for  
19 over ten years and I know that we have been  
20 buying and selling these products over the past  
21 ten years and more.

22 Q. Do you know what kinds of products  
23 Gold Star sells under the name Babushka's  
24 Recipe?

25 A. Yes.



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2 Q. What kind?

3 A. We have dairy products and we  
4 have -- I believe we have some meat products  
5 under the name Babushka's Recipe. Basically I  
6 remember those things.

7 Q. Do you remember specifically what  
8 kinds of dairy products?

9 A. The dairy products are -- we had  
10 butter under that brand, we had farmer cheese  
11 under that brand, we had Havarti cheese under  
12 that brand.

13 Q. Do you remember which was the first  
14 product you had sold under that name?

15 A. I think the first product was  
16 butter, roll butter.

17 Q. That's roll, R-O-L-L, butter?

18 A. Right.

19 Q. Could you please explain what roll  
20 butter is?

21 A. It's a -- I guess the easiest way to  
22 describe it would be a log, like a roll, maybe  
23 four inches in diameter, approximately, and  
24 maybe a foot long or it could be six feet --  
25 inches long and wrapped in parchment paper with

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2 a label that said -- that showed a picture of a  
3 babushka or a grandmother with the word  
4 "Babushka's Recipe butter."

5 Q. I will ask you to look in the folder  
6 that's in front of you at what has previously  
7 been marked as Registrant's Exhibit 103. That  
8 will be a picture of a label. Mr. Pincow,  
9 that's what it looks like (indicating).

10 A. That's Havarti.

11 Q. I understand.

12 A. Havarti you want me to find?

13 Q. Yes. Just look for number 103 in  
14 that pile.

15 A. Okay, here it is.

16 Q. Now, you described a label as being  
17 applied to it with a picture of a babushka or  
18 bubushka?

19 A. Right.

20 Q. We have previously marked  
21 Exhibit 103, which is a Havarti Yogurt Cheese  
22 label which has a picture on it and some  
23 names -- some words in English and in Russian,  
24 rather. Is the picture shown in 103 similar to  
25 the picture that you were describing?

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2 A. Yes.

3 MR. FRIEDMAN: Please note my  
4 objection to that last question.

5 MR. THOMPSON: What was the  
6 question?

7 (Record read.)

8 MR. THOMPSON: And the nature of  
9 your objection?

10 MR. FRIEDMAN: Form.

11 MR. THOMPSON: You think that  
12 "similar" is, what, vague or what?

13 MR. FRIEDMAN: It's up to you, if  
14 you want to clean it up.

15 MR. THOMPSON: The reason that  
16 objections to form are the ones we are  
17 supposed to put on the record it's to  
18 enable me the opportunity to address your  
19 concern. If I knew exactly what your  
20 concern was I'd have the opportunity to  
21 address it.

22 MR. FRIEDMAN: As a courtesy I will  
23 tell you my concern. When you say "look at  
24 this photograph" or "look at this label and  
25 tell me is it similar to the one you were

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2 previously describing," that's ambiguous.  
3 What is the one that he was previously  
4 describing?

5 MR. THOMPSON: All right. Thank  
6 you.

7 Q. So with respect to the label you had  
8 just described about the butter label on the  
9 roll butter, you had described it as having a  
10 picture of a Babushka on it.

11 Is this the same picture that you  
12 remember being on that earlier label?

13 A. Yes.

14 Q. Do you remember if that label also  
15 had the word "Babushka's Recipe" on it?

16 A. Yes, it did.

17 Q. And since the time that Gold Star  
18 first began selling the Babushka's Recipe  
19 butter, has Gold Star continuously sold dairy  
20 products under the name Babushka's Recipe?

21 A. Yes.

22 Q. Are you personally involved with the  
23 sales of dairy products by Gold Star?

24 A. No.

25 Q. And who is the person at Gold Star

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2 who is personally involved with that?

3 A. Well, we have -- as far as sales,  
4 whoever takes the order would be involved in  
5 the sales, being the order from the store. So  
6 there is no one person in particular as far as  
7 being involved in the sales of the products.

8 Q. Is there any one person who has  
9 overall responsibility of oversight for sales  
10 of dairy products?

11 A. That would be Galina Pincow.

12 Q. Are you familiar with a company  
13 called Four Seasons Dairy?

14 A. Yes.

15 Q. What is your understanding of who  
16 Four Seasons Dairy is?

17 A. Four Seasons Dairy, my understanding  
18 is that they ask other dairy manufacturers to  
19 provide them with products and they provide the  
20 labels or the pictures of the labels or the  
21 names that they want to name those products and  
22 then they take those products and distribute  
23 them to retail stores in -- I would assume  
24 basically in the Russian ethnic community  
25 stores.

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2 Q. Have you seen their products in the  
3 marketplace?

4 A. Yes, I have.

5 Q. What types of products of theirs  
6 have you seen in the marketplace?

7 A. I have seen their sour cream, I have  
8 seen their butter type spread, which is more of  
9 a margarine spread. I have seen their what  
10 they call New Salzberg product. It's a cheese,  
11 a semisoft cheese. I have seen their yogurt  
12 cheese. I have seen -- they had some soft  
13 cheeses, some type of cream cheeses in  
14 different packages. Different dairy products,  
15 various dairy products that they labeled with  
16 their private label.

17 Q. And are you familiar with any of the  
18 private labels they have used?

19 A. Some, yes.

20 Q. Could you identify some of the  
21 private labels that you are aware of that Four  
22 Seasons has used?

23 A. I know that they made a -- some type  
24 of a Lappi type of a cheese under their private  
25 label. I know they made a yogurt cheese under

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2 their private label. I know they made cream  
3 cheeses or I think they are called Tvorog type  
4 cheeses under their private label. I know they  
5 made a butter type spread under their private  
6 label. I know they made -- I don't remember  
7 what I said first, which ones. But these are  
8 basically the products that they sell, these  
9 type of dairy products.

10 Q. Now, you had mentioned a Tvorog type  
11 cheese. Is that what in English would be  
12 referred to as a farmer cheese?

13 A. Yes, a farmer type cheese, yes.

14 Q. Are you familiar with any of the  
15 particular names on the private labels that  
16 Four Seasons has used?

17 A. I know on some products they use the  
18 Babushka brand, on some they use Amish style or  
19 Amish milk used or something like that. I  
20 believe they have some products which said Riga  
21 style sour cream or Riga style something, dairy  
22 product. From my recollection, that's it right  
23 now.

24 Q. What products are you aware of that  
25 Four Seasons has sold with the Babushka name on

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2 it?

3 A. Let me just take a look through  
4 these notes here.

5 Q. For the record, when you say the  
6 notes, you are looking at the exhibits that are  
7 in front of you?

8 A. Right.

9 Q. Before you do that, let me just ask  
10 if you have a recollection without looking at  
11 that of their products?

12 A. Yes, I do.

13 Q. What is your recollection without  
14 looking at those exhibits?

15 A. I mentioned them earlier that I  
16 remember seeing --

17 Q. With the name Babushka on it  
18 specifically.

19 A. You know, they had so many products,  
20 I forgot which one was with the Babushka and  
21 which one wasn't.

22 Q. Well, did there ever come a time  
23 when, to your knowledge, Gold Star contacted  
24 Four Seasons about the usage of the name  
25 Babushkine on it?



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2 A. Yes.

3 Q. What is your recollection of how  
4 that came to be?

5 A. We saw some products with the name  
6 "Babushka's" -- I don't remember exactly the  
7 right wording, but with the word "babushkine"  
8 or "babushkina" on the product, on the dairy  
9 product, and I don't remember if it was Galina  
10 came to me or I came to Galina, and we  
11 discussed the situation that we saw someone  
12 using the name "Babushka." Now, since we  
13 registered the name "Babushka's Recipe" with  
14 the picture of a babushka, I told Galina that  
15 this is not right that somebody is using it on  
16 these products and she said, "what do you want  
17 to do about it," and I said, "let's be  
18 civilized, instead of going to an attorney and  
19 having them start a letter-writing contest back  
20 and forth, let's call them and -- call the  
21 owners of Four Seasons and let's ask them to  
22 come to discuss it." And they did come. We  
23 did call them. And we did mention to them over  
24 the phone that they are using the word  
25 "babushka" or some form of babushka on their

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2 dairy products or some of their dairy products  
3 and they did come to our office and when they  
4 did come we mentioned to them -- I mentioned,  
5 Galina mentioned to them that we have the  
6 trademark from the U.S. patent office for the  
7 Babushka's Recipe name. We presented the  
8 trademark to them, we showed it to them, and we  
9 asked them to stop using it. We asked them to  
10 let's be civilized, let's be business people,  
11 please stop using it. I don't remember them  
12 saying they are going to stop or not stop.  
13 Basically they didn't say anything. What they  
14 did is asked -- they brought samples of some of  
15 their products, not with the word "babushka,"  
16 other products that they had, and wanted to  
17 know if we want to buy them from them. It was  
18 a cordial meeting. It was a friendly meeting.  
19 It was in Gold Star's offices. They left. We  
20 didn't call them back, they didn't call us  
21 back.

22 Several months later we receive a  
23 letter from an attorney, I don't know if it was  
24 a lawsuit pending or they wanted to start a  
25 lawsuit, but it had to do with they were

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2 claiming that they had the right to use the  
3 word "babushka," and the rest is history  
4 between the lawyers, between Mr. Friedman and  
5 you, Mr. Thompson.

6 Q. Now, when you refer to "they" from  
7 Four Seasons coming over, do you remember the  
8 individuals who came over?

9 A. Yes. One is sitting at this table.  
10 I think his name is Bekker, Alex Bekker, or  
11 something like that. And the other person -- I  
12 don't recall his name, but they were the two  
13 partners who owned Four Seasons.

14 Q. So it was just these two  
15 individuals?

16 A. Yes.

17 Q. And they represented to you that  
18 they were the owners of the business?

19 A. Yes.

20 Q. Had you met them previously?

21 A. I believe I've seen them in the  
22 past, but under what circumstances, I don't  
23 recall, but I did meet them years earlier.

24 Q. In your capacity as president of  
25 Gold Star, are you familiar with catalogs

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2 that --

3 A. Yes.

4 Q. Let me finish my question.

5 -- that Gold Star has?

6 A. Yes, I am.

7 Q. Do you know when Gold Star prepared  
8 its first catalog?

9 A. I don't remember exactly the date.

10 Q. What's the closest you could come up  
11 with?

12 A. Ten years ago, fifteen years ago,  
13 twelve years ago.

14 Q. Do you remember what that catalog  
15 looked like?

16 A. If I see it, I would remember it.

17 Q. Before I show you anything, I am  
18 asking you if you remember. What can you  
19 describe?

20 A. I don't know if I remember the first  
21 catalog or the second one, but I do remember  
22 that we printed several catalogs over many  
23 years that we have been in business.

24 Q. Do you have a regular schedule for  
25 printing catalogs?

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2 A. No.

3 Q. Is there any set criteria for  
4 determining when you will print a new catalog?

5 A. I would say that the catalog  
6 printing is really Galina Pincow's duty, so she  
7 would set that basis.

8 Q. Okay. So that's not something that  
9 you do personally?

10 A. No.

11 Q. You are familiar, though, with the  
12 catalogs?

13 A. Yes.

14 Q. Do you know if the current catalog  
15 that you have has a date on it?

16 A. It has a year on it.

17 Q. Do you know what the year of your  
18 most recent catalog is?

19 A. 2007.

20 MR. THOMPSON: I will show you what  
21 has not yet been marked and ask the  
22 reporter to mark this as 118.

23 (Registrant Exhibit 118,  
24 International Gold Star, Inc. 2007 Catalog,  
25 Bates stamped GOLD 0146 through GOLD 0203,

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2 marked for identification.)

3 Q. What has now been marked as  
4 Exhibit 118, could you just take a moment to  
5 look at that.

6 A. Okay.

7 Q. Let me know when you are done.

8 A. I'm done.

9 Q. Are you familiar with this document?

10 A. Yes, I am.

11 Q. And what is it?

12 A. That's our latest catalog from Gold  
13 Star.

14 Q. For the record, it bears Bates  
15 numbers GOLD 0146 through 0203 inclusive.

16 So even though this bears the date  
17 of 2007, there is no more recent catalog from  
18 International Gold Star?

19 A. No.

20 Q. Would you be able to tell me on what  
21 pages, if at all, any Babushka's Recipe dairy  
22 products appear?

23 A. I have to look through the catalog.

24 Q. Please do.

25 A. First of all, I see on page 31, item

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2 number 41501, where we have granny's cheese  
3 Tvorog, which is Babushka's Recipe farmer  
4 cheese. That would be the first place. We  
5 also have on page 174 item number 42025 where  
6 we have the Babushka's Recipe type yogurt  
7 Havarti cheese.

8 MR. FRIEDMAN: Would you mind  
9 repeating that page number.

10 A. I'm sorry. Maybe that's the wrong  
11 page. Looks like page 27. I made a mistake  
12 there. Page 27 where we have item number 42025  
13 where we have the Babushka's Recipe Havarti  
14 cheese.

15 Q. Just so we are clear, that's the  
16 catalog page 27 which has the Bates number GOLD  
17 0174; is that right?

18 A. Right. That's where I got confused.

19 Q. Now, with respect to what you had  
20 pointed me to on page 31, which bears the Bates  
21 number GOLD 0178, that was the farmer's cheese  
22 label.

23 A. Okay.

24 MR. THOMPSON: I will show you a  
25 document which I will ask the reporter to

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2 mark bearing production number GOLD 0300.

3 (Registrant Exhibit 119, Farmer  
4 Cheese (Tvorog) label, Bates stamped GOLD  
5 0300, marked for identification.)

6 Q. I will ask you to look at that and  
7 let me know when you are done.

8 (Document review.)

9 A. I'm done.

10 MR. FRIEDMAN: I would just like to  
11 place my objection on the record to the  
12 introduction of any documents not exchanged  
13 during the discovery period.

14 Q. Do you recognize Exhibit 119?

15 A. Yes, I do.

16 Q. And what is that?

17 A. This is the label for what we call  
18 granny style farmer cheese or Babushka's Recipe  
19 farmer cheese.

20 Q. At Gold Star, to your knowledge, are  
21 the terms "granny's cheese" and "Babushka's  
22 Recipe" used interchangeably?

23 MR. FRIEDMAN: Objection.

24 A. Yes.

25 Q. To your knowledge, at Gold Star do



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2 the employees refer to the products sold under  
3 the Babushka's Recipe label as granny's recipe?

4 A. Sometimes.

5 Q. Do you know why that would be?

6 A. Because some -- the word "granny" or  
7 "babushka" is the same thing. It's a  
8 grandmother. Granny is a grandmother and  
9 "babushka" means grandmother.

10 Q. I will ask you to look also at what  
11 has previously been marked as Exhibit 117 which  
12 bears Bates number GOLD 0002.

13 A. Where is that?

14 Q. That looks like this (indicating).  
15 Exhibit 117, it's in the other pile of papers.

16 A. In this pile?

17 MR. FRIEDMAN: I thought that was  
18 just marked as 119.

19 MR. THOMPSON: That was the one that  
20 bears Bates number GOLD 300 which I handed  
21 you today. The one I am referring to now  
22 is the one Mr. Krumgalz referred to  
23 yesterday and bears production number  
24 GOLD 2.

25 A. What's the number?

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2 Q. 117. It should be near the bottom,  
3 I think, or in the other stack.

4 A. I have it.

5 Q. Now, could you tell me, do you  
6 recognize what's in 117?

7 A. Yes.

8 Q. And what's that?

9 A. It's exactly the same as what was in  
10 your exhibit number 119.

11 Q. Do you know if these labels have  
12 changed over time?

13 A. No.

14 Q. Is that no, you don't know, or no,  
15 they have not?

16 A. As far as I know, they haven't  
17 changed over time.

18 Q. Since the first time Gold Star began  
19 to sell farmer cheese under the name Babushka's  
20 Recipe?

21 MR. FRIEDMAN: Objection.

22 Q. Is that what you meant?

23 A. Yes.

24 Q. So just to be clear, to your  
25 knowledge, since the time Gold Star began to

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2 sell farmer cheese under the name Babushka's  
3 Recipe, has it always used a label such as  
4 shown in Exhibit 117?

5 A. Yes.

6 MR. FRIEDMAN: Objection.

7 Q. Prior to the 2007 catalog which we  
8 have marked as Exhibit 118, do you remember the  
9 year prior to that that Gold Star had a  
10 catalog?

11 A. No, I don't remember the year.

12 MR. THOMPSON: I will ask to have  
13 marked as Exhibit 120 a document bearing  
14 production number GOLD 0096 through  
15 GOLD 0145, and when the reporter has it  
16 marked, I will ask you to take a look at  
17 it.

18 (Registrant Exhibit 120,  
19 International Gold Star Trading Corp. 2006  
20 catalog, Bates stamped GOLD 0096 through  
21 GOLD 0145, marked for identification.)

22 THE WITNESS: Okay.

23 Q. Are you familiar with the document  
24 marked as Exhibit 120?

25 A. Yes.

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2 Q. And what is it?

3 A. It's a Gold Star catalog marked  
4 2006.

5 Q. So do you understand -- does that  
6 indicate when the catalog was produced?

7 A. It means that it was produced  
8 somewhere in the area of 2006 or maybe slightly  
9 before 2006.

10 Q. Do you know if this was the catalog  
11 immediately before the 2007 catalog?

12 A. Yes, it was.

13 Q. Can you tell me if there are any  
14 Babushka's Recipe dairy products depicted in  
15 Exhibit 120?

16 A. Yes, there are.

17 Q. Could you tell me where?

18 A. On page 27, item number 42025 is  
19 your Babushka's Recipe Havarti cheese. Then we  
20 have on page 31, item number 41501, we have the  
21 Babushka's Recipe farmer cheese also known as  
22 granny's cheese, on page 31.

23 Q. And are those the same products that  
24 appear in the 2007 catalog which we have had  
25 marked as Exhibit 118?

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2 A. Yes.

3 Q. Do you know if there were any  
4 catalogs that Gold Star had prior to the 2006  
5 catalog which we have marked as Exhibit 120?

6 A. I believe there were.

7 Q. Do you remember what they look like?

8 A. When I see it, I will remember it.

9 Q. Do you remember if they had any year  
10 dates on them?

11 A. No, I don't remember.

12 MR. THOMPSON: I will ask the  
13 reporter to mark as Exhibit 121 a document  
14 which bears Bates numbers GOLD 0062 through  
15 0095 and ask you to look at that when you  
16 have the opportunity.

17 (Registrant Exhibit 121, Gold Star  
18 Smoked Fish Corp. International Gold Star  
19 Trading Corp. Catalog, Bates stamped GOLD  
20 0062 through GOLD 0095, marked for  
21 identification.)

22 (Document review.)

23 Q. Let me know when you are done.

24 A. I'm ready.

25 Q. I'm sorry. I was waiting for you.

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2 Could you please identify what that  
3 item is?

4 A. This is a catalog for the Gold Star  
5 company, International Gold Star Trading, and  
6 Gold Star smoked fish.

7 Q. Do you remember when that catalog  
8 was produced?

9 A. No.

10 Q. Is there anything in that catalog  
11 that you would be able to use as a reference  
12 point for you to make a determination of when  
13 it was produced?

14 A. No.

15 Q. Who was responsible for producing  
16 the catalog within Gold Star?

17 A. Galina Pincow.

18 Q. Can you tell me do you know if that  
19 catalog we have marked as Exhibit 120 is one  
20 which was produced before or after the 2006  
21 catalog?

22 MR. FRIEDMAN: I'm sorry, would you  
23 please read that back.

24 (Record read.)

25 A. The one -- Exhibit 121 was produced

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2 before the 2006 catalog.

3 Q. How do you know that?

4 A. Because the 2006 has the logo of  
5 Gold Star all over the front of the catalog and  
6 that came out after the earlier catalogs came  
7 out.

8 Q. Okay. So Exhibit 121 was first in  
9 time?

10 A. Prior to the 2006 catalog.

11 Q. Can you tell me if you are able to  
12 identify any Babushka's Recipe dairy products  
13 that are sold or offered for sale in  
14 Exhibit 121?

15 A. Yes, I am, and I will tell you which  
16 ones. Item --

17 Q. First give me the page number.

18 A. Page 22. Item number 41502 is the  
19 Babushka farmer cheese. And then we have also  
20 item number 41501 is also the Babushka farmer  
21 cheese or granny cheese. Then we have --

22 MR. FRIEDMAN: I'm sorry, could you  
23 read back the last answer.

24 (Record read.)

25 A. Okay. Then we have item number

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2 48001 on page 21 which would be the Babushka's  
3 Recipe butter or roll butter. We also have on  
4 page 20 item number 42025, Babushka's Recipe  
5 Havarti cheese. Okay.

6 Q. Thank you. With respect to the  
7 products shown on page 22 which you identified  
8 as item numbers 41501 and 41502, on Bates  
9 numbered GOLD 0082, could you please tell me do  
10 you recognize any label appearing on either of  
11 those products?

12 A. Well, the 41502 is the smaller  
13 version of 41501. That's the Babushka's Recipe  
14 label for farmer cheese.

15 Q. Is that the same label that we had  
16 been discussing earlier today?

17 A. Yes.

18 MR. FRIEDMAN: Objection.

19 Q. Can you point to any exhibits that  
20 we have previously which are the labels that  
21 you have referred to as being the labels shown  
22 in 41501 or 41502?

23 A. Yes, I can, and it would be the same  
24 label as Exhibit 119. And the same label can  
25 be used for either one, because it's said to be



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2 weighed at time of sale, so there was no exact  
3 weight needed on either one. One is a smaller  
4 version and one is a larger version of the same  
5 type of cheese and the same product.

6 Q. And just to be clear, I believe that  
7 we have also as I think it's Exhibit 117 --

8 A. Go ahead.

9 Q. Was that the same label?

10 A. Exactly the same label.

11 Q. With respect to Registrant's 121,  
12 the catalog we were just looking at, what we  
13 have here on the record is a black and white  
14 copy of a catalog. Do you remember what this  
15 catalog looked like in real life, so to speak?

16 A. No.

17 Q. Do you remember what color it was?

18 A. No.

19 Q. Do you remember if there was a  
20 catalog that Gold Star had that would have been  
21 prior to Exhibit 121?

22 A. I don't remember.

23 Q. Do you know who at Gold Star was  
24 responsible for making the catalogs?

25 A. Galina Pincow.

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2 Q. Do you know if Gold Star ever had  
3 any price lists?

4 A. Yes.

5 Q. Do you remember the earliest price  
6 list that Gold Star had?

7 A. No.

8 MR. THOMPSON: I will have marked as  
9 Exhibit 122 the following document which  
10 bears Bates numbers GOLD 0034 through  
11 GOLD 0061 and ask you to look at that.

12 (Registrant Exhibit 122, Gold Star  
13 International Trading Corp Price List,  
14 2001-2002, Bates stamped GOLD 0034 through  
15 GOLD 0061, marked for identification.)

16 Q. Please let me know when you have  
17 looked through the document.

18 A. Okay, I have looked through.

19 Q. Are you familiar with this document?

20 A. Yes, I am.

21 Q. Can you identify what it is?

22 A. It's a price list and I guess you  
23 would call it a type of a catalog for  
24 International Gold Star.

25 Q. And do you know when this price list

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2 or catalog was distributed?

3 A. Well, it's marked from 2001 to 2002,  
4 so I imagine that's when it was distributed.

5 Q. Could you tell me who at Gold Star  
6 would have been responsible for distributing  
7 this?

8 A. Galina Pincow.

9 Q. Can you tell me if in Exhibit 122  
10 there are any sales -- are there any products,  
11 dairy products, with the name Babushka's  
12 Recipe?

13 A. Yes. We have on page 14 product  
14 number 41501 that clearly has a small picture  
15 of the product where it's marked "Tvorog  
16 Babushka's." We also have 42025, which is  
17 yogurt Havarti, which is -- although it's not  
18 marked here as being the Babushka type yogurt  
19 Havarti, but that's what it was, the Babushka  
20 type yogurt Havarti.

21 Q. And in --

22 A. We also had item number 41502 which  
23 is the smaller version of the larger version of  
24 the Babushka farmer cheese. We have that one  
25 also in this price list where it's marked

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2 Babushka's farmer cheese, in parentheses  
3 "small," item number 41502.

4 Q. The items 41501 and 41502 along with  
5 some other ones have an asterisk next to them  
6 on the price list. Do you see that?

7 A. Yes.

8 Q. And what does the asterisk indicate?

9 A. Exclusive product of International  
10 Gold Star Trading Corp.

11 Q. Do you see the label that appears on  
12 page 14 attached to the Tvorog Babushka's item  
13 41501?

14 A. Yes, I do.

15 Q. And have you seen that label today?

16 A. Yes, and that would be exhibit  
17 number 119 and exhibit number 117.

18 MR. FRIEDMAN: Would you please read  
19 back the question and answer.

20 (Record read.)

21 Q. As part of your responsibilities as  
22 president do you get involved with maintaining  
23 the files of Gold Star?

24 A. The file?

25 Q. Files, just in general.

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2 A. No.

3 Q. Who would be overseeing the  
4 maintenance of those files?

5 A. Galina Pincow.

6 Q. Specifically I will ask with  
7 reference to employment files, who would  
8 be responsible for overseeing their  
9 maintenance?

10 A. Galina Pincow.

11 Q. Are you familiar with a company  
12 named Beluga Caviar?

13 A. Yes.

14 Q. What is your familiarity with that  
15 company?

16 A. I was a partner in that company. I  
17 was the owner of that company at one time.

18 Q. And do you remember when?

19 A. Slightly over twenty years ago.

20 Q. For how long?

21 A. Approximately a year and a half.

22 Q. And what happened to cause you to no  
23 longer be the owner of that company?

24 A. One of my partners in the company  
25 requested I sell to him my shares and I decided

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2 to do that and he bought my shares and I was  
3 out of the company.

4 Q. Do you remember about when that was?

5 A. About twenty years ago.

6 Q. Do you remember when International  
7 Gold Star Trading Corporation was begun?

8 A. Before Beluga Caviar.

9 Q. As part of your responsibilities at  
10 International Gold Star, are you responsible  
11 for acquiring the physical labels used to be  
12 applied to the products?

13 A. No.

14 Q. Who is?

15 A. Galina.

16 Q. Do you ever have dealings directly  
17 with the printers?

18 A. On occasion, but rarely.

19 MR. THOMPSON: Let me take a minute.  
20 I may be done with my direct.

21 MR. FRIEDMAN: Okay.

22 (Recess was taken from 11:02 to  
23 11:03.)

24 MR. THOMPSON: No more questions.

25 Thank you, Mr. Pincow.

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2 EXAMINATION BY

3 MR. FRIEDMAN:

4 Q. Mr. Pincow, my name is Samuel  
5 Friedman. I represent Four Seasons Dairy. I  
6 will be asking you a few questions.

7 With respect to the exhibit that's  
8 marked as R 122, the price list --

9 A. Okay.

10 Q. And let's say specifically with  
11 respect to item 41501 that appears on page 14,  
12 could you please tell me what the number 41501  
13 represents?

14 A. I believe it represents only the  
15 code, so when something is printed in our  
16 invoice system, that would show up with that  
17 number when you are printing an invoice to a  
18 customer.

19 Q. So is it then an internal code used  
20 by Gold Star?

21 A. I'm not sure.

22 Q. Is it your testimony that to the  
23 best of your knowledge that code is used for  
24 purposes of tracking invoices?

25 A. Well, first of all, I don't make up

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2 these codes and I'm not involved with making up  
3 the codes, but just logically I would think  
4 that the only reason there is a code number is  
5 so that the product can be invoiced properly to  
6 the end customer, but there may be another  
7 reason for this number, but I don't know it.

8 Q. Does the code have any particular  
9 name? Is there any terminology that is applied  
10 to this code number in general?

11 A. A number is a number. There is no  
12 terminology to a number.

13 Q. Is it done in connection with UPC  
14 codes?

15 A. I don't know.

16 Q. This number 41501 and this price  
17 list of 2001-2002, it represents Tvorog  
18 Babushka's; correct?

19 A. That's what it says in this page 14.

20 Q. Now, if we look at the later  
21 catalogs that Mr. Thompson has shown you today,  
22 the item 41501, does it continue to represent  
23 the same item?

24 A. Which catalog are you going to now?  
25 You started with the 2001-2002 catalog. Which



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2 catalog are you referring to?

3 Q. Well, I would like to go now to the  
4 2006 catalog.

5 A. 2006. Okay.

6 Q. And I would then direct your  
7 attention -- I believe you pointed out that  
8 41501 appears on page 31. Just for the record,  
9 this is Registrant's 120 we are looking at.

10 A. What is the question?

11 Q. The question is whether 41501 in the  
12 2001 price list represents the same item that  
13 is represented in the 2006 catalog. Has there  
14 been any change in that item?

15 A. Well, from the picture it shows in  
16 the 2002 catalog, the 2001-2002, the photograph  
17 of 41501 appears to be the smaller version of  
18 the 41501 from the 2006 catalog, but the type  
19 of product it is is exactly the same. The type  
20 of cheese, the manufacturer and the label would  
21 be the same on either item.

22 Q. Okay. And if we were to go now to  
23 the 2007 catalog, 41501 would continue to be  
24 the same product; is that correct?

25 A. Well, I didn't say it's the same

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2 product. The size might have been different,  
3 but the product is the same.

4 Q. I understand your point about the  
5 size and, in fact, I believe you pointed out  
6 that that label says "weighed at time of sale"?

7 A. Right, that's correct.

8 Q. So now we are looking at R 118.

9 A. Which page is that?

10 Q. It's the 2007 catalog and the page  
11 is --

12 A. That would be page 22?

13 Q. It may very well be.

14 A. That's a different catalog here.

15 Q. If you would look at page 31.

16 A. Okay. What is the question?

17 Q. Whether it is, in fact, the same  
18 product except for perhaps a change in size.

19 A. Yes, it is.

20 Q. Now, if we look at the undated  
21 catalog that's marked R 121, and if you were to  
22 look at page 22 of that catalog, does it  
23 continue to be the same product?

24 A. Are you referring to -- which item  
25 are you referring to?

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2 Q. 41501.

3 A. Yes, it's the same product.

4 MR. FRIEDMAN: I just need one  
5 moment to fumble with these exhibits.

6 Q. I am going to show you a document  
7 that was previously marked as Respondent's  
8 Exhibit 4 during a deposition of April 17,  
9 2008. Now, I ask if you were to look at R 121,  
10 which is in front of you, my question is  
11 whether the document marked as R 121 is, in  
12 fact, just a photocopy of the catalog marked as  
13 Respondent's 4?

14 A. It seems to be.

15 MR. FRIEDMAN: And by counsel, do  
16 you happen to know whether it is, in fact,  
17 the same?

18 MR. THOMPSON: I don't know. I'd  
19 have to compare them. So far as I am  
20 aware, they are, but I wouldn't state that  
21 categorically until I had a chance to check  
22 it. I just don't remember.

23 Q. So if you would, in Respondent's 4  
24 then, could you please take a look at page 22  
25 and specifically that item that we were looking

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2 at, 41501, is that the same item apart from  
3 size?

4 A. Well, you know, you are asking me so  
5 many times was it the same or not. There were  
6 two type of farmer cheeses that we have had.  
7 One was a small version, approximately a pound.  
8 It may have been marked a pound on the invoice,  
9 but as far as I remember the label said "to be  
10 weighed at time of sale" to be safe as far as  
11 if it was off with the weight, but both of them  
12 are the same type of an item. In this catalog  
13 that you just gave me, Exhibit 4, 41501 and  
14 41502 are both the Babushka's Recipe farmer  
15 cheese.

16 Q. Okay. May I just take a quick look  
17 at this.

18 A. Yes.

19 Q. And would it be fair to say that the  
20 Gold Star code of 41502 that you just mentioned  
21 has remained the same code in all of the  
22 catalogs and the price lists that we have  
23 looked at, 2001-2002 catalog, the 2006 catalog,  
24 the 2007 catalog, 41502 continues to represent  
25 the same item? If you need to look at them --

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2 A. It seems that way from what I have  
3 just looked at, it looks that that's what the  
4 code, 41501 around 41502, have been for the  
5 last three or four catalogs, the same numbers.

6 Q. Including back to 2001-2002, the  
7 price list?

8 A. Yes.

9 Q. Now, is it the practice of Gold Star  
10 Trading Corporation to keep -- for the same  
11 product to continue to carry the same code  
12 number year after year?

13 A. Well, it would seem logical that it  
14 would be the practice, but since I'm not  
15 involved with that, I can't answer that, but I  
16 can tell you that we have changed our computer  
17 system over the years several times and since  
18 these codes have to do with the printing of  
19 invoices using a computer, if they were changed  
20 at one time, it probably had to do with  
21 something with the computer system, but I'm not  
22 the person that can tell you if it was changed  
23 or it wasn't changed or why it was changed or  
24 why it wasn't changed.

25 Q. Who is that person?

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2 A. It possibly may be Galina Pincow who  
3 was involved with these catalogs.

4 Q. Have you had any involvement in the  
5 change of computer systems over the years?

6 A. No.

7 Q. Can you think of any reason why a  
8 change of computer systems would cause Gold  
9 Star to have to change the code that it applies  
10 to a product?

11 A. Well, we upgraded our program years  
12 ago, I mean, not two or three years ago, but  
13 ten years ago, fifteen years ago, eight years  
14 ago, and we constantly upgrade our system and  
15 many times when you do upgrades or change the  
16 program, you need to change your codes. Also,  
17 if you start to have more products, you may  
18 want to change your codes, but why we may have  
19 changed the codes or kept the code or not  
20 changed the code, I don't know the answer.

21 Q. Can you think as you sit here today  
22 of any one example where an item's code number  
23 was changed because of a change of computer  
24 system?

25 A. No, I can't.

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2 Q. I'd like to in R 122, could you  
3 please take a look at the item that is numbered  
4 42- --

5 A. What page would that be on?

6 Q. Sorry. I need one moment.

7 A. Okay.

8 Q. 42025.

9 A. What page would that be on?

10 Q. That is on page 15.

11 A. And what item would that be?

12 Q. 42025.

13 A. Did you say 42015?

14 Q. 42025.

15 A. Okay, I see that.

16 Q. And what is that item?

17 A. It says yogurt Havarti cheese.

18 Q. Is that an item that in the year  
19 2001-2002, the year of this price list, was  
20 that sold under the Babushka's Recipe brand?

21 A. Could you repeat that question.

22 Q. Was this item, yogurt Havarti  
23 cheese, bearing the code 42025, was that sold  
24 under the Babushka's Recipe brand?

25 A. When?

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2 Q. In 2001-2002, which is the year of  
3 the price list that we are looking at.

4 A. I don't remember.

5 Q. Based on this catalog, can you --  
6 does looking at this catalog refresh your  
7 recollection?

8 A. No.

9 Q. Now, if you would please take a look  
10 at what's been marked as Respondent's Exhibit 4  
11 from the deposition of April 17, 2008, it's  
12 page 20, the item marked as 42025.

13 MR. THOMPSON: I'm sorry, what page?

14 MR. FRIEDMAN: It is page 20 and it  
15 would be the same as R 121.

16 A. I see that.

17 Q. Okay. Is that, in fact, the same  
18 item that has the number 42025 in the 2001-2002  
19 price list?

20 A. I believe it is.

21 Q. Yet it has a different label?

22 A. Yes, it does.

23 Q. Do you recognize the label that is  
24 in 42025 in the catalog of 2001-2002?

25 A. Yes, I do.



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2 Q. What label is that?

3 A. That's the manufacturer's label.

4 Q. And what manufacturer is that?

5 A. That would be Bunker Hill Cheese.

6 Q. Is it fair to say then that in  
7 2001-2002 Bunker Hill Cheese was applying its  
8 own label to the yogurt Havarti cheese that it  
9 was supplying to International Gold Star?

10 A. Well, what is fair to say is that we  
11 had an option to use either/or their label and  
12 our label and that's what it seems to be, that  
13 we had the option and sometimes we would use  
14 their label or at the same time use their label  
15 and our label for the same product.

16 Q. Did there come a time that a  
17 decision was made at Gold Star to start using  
18 only one label for that product, the 42025?

19 A. If there did come a time, I don't  
20 recall that time.

21 Q. Would it then be your testimony that  
22 continuing to this day International Gold Star  
23 sometimes uses the Bunker Hill label on 42025  
24 and sometimes uses its own Babushka's Recipe  
25 label?

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2 A. My recollection at this time is that  
3 we are only using the Babushka label for the  
4 Havarti cheese, but I'm not sure. I don't  
5 remember if we are using both or we are using  
6 only one or the other.

7 Q. And who would have greatest  
8 knowledge within Gold Star on that particular  
9 issue?

10 A. Galina Pincow.

11 Q. Are you familiar with a person by  
12 the name of Irina Lubenskaya?

13 A. Yes.

14 Q. Who is she?

15 A. She is a graphic designer.

16 Q. For what company does she work?

17 A. She used to work or maybe she works  
18 or used to work for a company I think they were  
19 in Long Island City, some kind of a printing --  
20 printing and graphic design company.

21 Q. What was her position there?

22 A. Designer.

23 Q. Did you have any interaction with  
24 her?

25 A. Only cordial, "hello, how are you,"

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2 and -- nothing to do with the design.

3 Q. Was there somebody at Gold Star that  
4 did interact with her in connection with the  
5 design?

6 A. Yes.

7 Q. And who was that?

8 A. Galina Pincow.

9 Q. Was Irina Lubenskaya involved in the  
10 design of any labels for any brand that -- for  
11 any Babushka's Recipe brand?

12 A. As far as I know, she was the one  
13 that made the Babushka's Recipe design. She  
14 may have not been the first one to come up with  
15 the name "Babushka's Recipe" for our company,  
16 but the latest design that we have for many  
17 years is her design.

18 Q. "The latest" meaning the most recent  
19 design?

20 A. It's not the most recent. It's been  
21 around for many years already. So what I meant  
22 by that is many, many years ago I may have used  
23 the word "babushka" on something, but many  
24 years ago she came and cleaned it up and made  
25 it look a lot better.

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2 Q. Is it your testimony then that Gold  
3 Star was using the Babushka's Recipe name for  
4 years before Irina Lubenskaya first designed a  
5 label for Babushka's?

6 A. I'm not sure. I don't remember.

7 Q. Who would know that?

8 A. I don't know.

9 Q. Has your company continued to have  
10 contact with Irina Lubenskaya until today?

11 A. We are still in contact with her.

12 Q. Does she still do work for  
13 International Gold Star?

14 A. Yes, she does.

15 Q. Is it fair to say that from 2004  
16 when this proceeding was commenced until today  
17 that International Gold Star has continued to  
18 conduct business with Irina Lubenskaya?

19 A. Yes, it is.

20 Q. Are you familiar with Dan  
21 Bartolomeo?

22 A. Yes.

23 Q. Who is he?

24 A. He is a printer.

25 Q. And what company is he with?

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2 A. Gem Printing, I believe.

3 Q. Did Gem Printing prepare any  
4 Babushka's Recipe labels for International Gold  
5 Star?

6 A. I would think they did, because they  
7 do our printing.

8 Q. Did they do your printing before  
9 Irina Lubenskaya?

10 A. No.

11 Q. They came after her?

12 A. Well, Gem Printing bought a company  
13 that we worked for more than twenty years with,  
14 a printer, so basically we -- he inherited us  
15 from the other printer.

16 Q. That is him being Bartolomeo?

17 A. Yes.

18 Q. Inherited Gold Star from the other  
19 printer. So you are saying Gem bought a  
20 printer?

21 A. Well, Gem took over accounts or  
22 bought another printer or something like that.

23 Q. Did Gem buy the printer that  
24 International Gold Star was using for purposes  
25 of the Babushka's Recipe label?

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2 A. Well, I don't remember when Gem  
3 bought the other printer, but it's possible. I  
4 don't remember -- I would think that the other  
5 printer printed Babushka label for us prior to  
6 Gem, but I don't -- can't go back so many years  
7 and know exactly what happened.

8 Q. Was Irina Lubenskaya employed by the  
9 printer that Gem purchased?

10 A. No.

11 Q. It's a different printer?

12 A. It's a different printer.

13 Q. And do you remember who the -- so  
14 you, to the best of your recollection, don't  
15 know what printer Gem purchased?

16 A. Yes, I remember.

17 Q. You do. What printer?

18 A. Jes Label, J-E-S.

19 Q. And where were they located?

20 A. I believe in Long Island.

21 Q. Any --

22 A. Don't know.

23 Q. And who at Jes Label did  
24 International Gold Star deal with?

25 A. With the owner.

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2 Q. Do you remember who that was?

3 A. Her name was Ester.

4 Q. Do you remember her last name?

5 A. No.

6 Q. Have you had any contact with her  
7 since 2000, Ester?

8 A. I don't remember.

9 Q. Who primarily had contact with  
10 Ester?

11 A. Galina.

12 Q. Are you familiar with Dmitry Lerner?

13 A. Excuse me?

14 Q. Dmitry Lerner. Are you familiar  
15 with that person?

16 A. Yes, I am.

17 Q. Are you partners with him in any  
18 enterprises?

19 A. No.

20 Q. Do you know whether he has been  
21 convicted of any crimes?

22 A. No, I don't know.

23 Q. Do you know whether he has served  
24 time in prison?

25 A. I don't know if he served time in

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2 prison.

3 Q. Do you know whether he has been  
4 arrested?

5 A. I've heard that he has some legal  
6 problems, but I don't know any details of them.

7 Q. Do you know whether he has been  
8 indicted?

9 A. No, I don't know.

10 Q. Do you have any ownership interest  
11 in Spa 88?

12 A. Yes.

13 Q. What is your ownership interest in  
14 that?

15 A. I'm a partner there.

16 Q. Are you also a partner in the  
17 restaurant Polyanka?

18 A. No.

19 Q. Is Dmitry Lerner a partner in  
20 Spa 88?

21 A. No.

22 Q. Does he work there?

23 A. Yes.

24 Q. Have there been arrests made  
25 concerning activities that occurred at Spa 88?



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2 MR. THOMPSON: I am going to object  
3 to relevance on that.

4 MR. FRIEDMAN: As to credibility.

5 MR. THOMPSON: Of the restaurant or  
6 of the spa?

7 MR. FRIEDMAN: Of Mr. Lerner, who  
8 testified yesterday.

9 MR. THOMPSON: You are right now  
10 asking if somebody else was -- first, it  
11 was Tuesday, not yesterday. If somebody  
12 else was arrested at the premises other  
13 than Mr. Lerner is what you are asking. So  
14 I am not sure I understand what that would  
15 have to do with Mr. Lerner's credibility.

16 MR. FRIEDMAN: Well, there have been  
17 some reports in the press about arrests  
18 having been made concerning activities that  
19 took place at Spa 88 and I was wondering if  
20 Mr. Pincow as an owner of Spa 88 would be  
21 able to shed some light on that.

22 MR. THOMPSON: And, again, how does  
23 that relate in any way to Mr. Lerner or his  
24 credibility or these trademarks?

25 MR. FRIEDMAN: Mr. Lerner testified

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2 on Tuesday at the request of International  
3 Gold Star. Mr. Lerner testified that no  
4 illegal activities took place at a store  
5 called Yuzhni. Mr. Lerner did not reveal  
6 at the time that he has recently served  
7 time in prison, which would indicate that  
8 he has been involved in illegal activities.

9 MR. THOMPSON: On what do you base  
10 that?

11 MR. FRIEDMAN: Base what?

12 MR. THOMPSON: The statement that  
13 you just made that he has served time in  
14 prison.

15 MR. FRIEDMAN: That is my  
16 understanding.

17 Q. And, Mr. Pincow, can you corroborate  
18 that he, in fact, has served time in prison?

19 A. No, I can't.

20 MR. THOMPSON: Okay, so you have an  
21 understanding that he served time in  
22 prison. You didn't ask him that when he  
23 was here, so we don't have anyone to  
24 testify to that. Is that right? At least  
25 not here today.

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2 MR. FRIEDMAN: Well, the only person  
3 on the witness stand right now is  
4 Mr. Pincow.

5 MR. THOMPSON: Okay.

6 MR. FRIEDMAN: I will leave that  
7 topic.

8 MR. THOMPSON: Okay.

9 Q. You have testified that your  
10 position at International Gold Star is  
11 president?

12 A. Yes, I did.

13 Q. For how long have you been the  
14 president of International Gold Star?

15 A. For at least fifteen years.

16 Q. Who are the other officers of  
17 International Gold Star, corporate officers?

18 A. I'm not sure.

19 Q. Is Galina Pincow a corporate  
20 officer?

21 A. She may be. I'm not sure.

22 Q. Is she a director of International  
23 Gold Star?

24 A. Well, she directs business there. I  
25 don't know what you mean as a director.

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2 Corporate director, managing director, manager,  
3 I don't understand the question.

4 Q. Well, as used in -- I understand  
5 that you are not a lawyer and the term  
6 "director" has a particular meaning for  
7 lawyers. If that's something you are not  
8 familiar with, I will accept that.

9 A. I am not familiar with that.

10 Q. Are you an owner of International  
11 Gold Star?

12 A. Yes, I am.

13 Q. What percentage do you own?

14 A. A hundred percent.

15 Q. So Galina Pincow has no ownership  
16 interest in International Gold Star?

17 A. Well, according to New York State  
18 law, she is -- as my wife, she has 50 percent  
19 of what I own. Maybe more.

20 MR. FRIEDMAN: And it keeps going  
21 up. Withdrawn. I was joking.

22 Q. Who at International Gold Star has  
23 responsibility for any trademark applications  
24 that are made to the U.S. Patent and Trademark  
25 Office?

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2 A. Galina.

3 Q. Do you have any connection with such  
4 activities?

5 A. No.

6 Q. Does Galina obtain your approval  
7 prior to filing an application for a trademark?

8 A. Well, if I sign the application,  
9 that doesn't mean that I was involved in the  
10 process totally watching it. Since she is my  
11 wife and we work together, if she went through  
12 the project and she just used my signature,  
13 it's an automatic on something like a trademark  
14 application.

15 Q. Are you saying then that you would  
16 sign the application without verifying the  
17 facts stated therein?

18 A. No, I didn't say that.

19 MR. FRIEDMAN: Could you please read  
20 back the last question and answer.

21 (Record read.)

22 Q. Yet if she used your signature, is  
23 it your testimony that you would check the  
24 facts therein stated to make sure they are  
25 accurate?

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2 A. I would briefly check the facts,  
3 take a fast look through it without going into  
4 heavy duty details.

5 Q. Is it fair to say that if Galina  
6 Pincow signs an application under oath to the  
7 Patent and Trademark Office that she would  
8 check the facts prior to signing --

9 A. I can't answer for Galina Pincow.

10 Q. You do not know?

11 A. No, I did not say that. I said I  
12 can't answer for Galina Pincow.

13 MR. FRIEDMAN: I'd like to mark this  
14 as Petitioner's 205.

15 (Petitioner Exhibit 205,  
16 Registrant's Supplemental Responses to  
17 Petitioner's Interrogatories, marked for  
18 identification.)

19 Q. So you have P 205 in front of you.  
20 If you could just take one moment to look  
21 through it and tell me if you can identify it.

22 (Document review.)

23 A. Yes, I can identify it.

24 Q. What is it?

25 A. It's an application for a trademark.

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2 Q. For the record, I will state that  
3 Petitioner's 205 is a document from this  
4 litigation that bears the heading Registrant's  
5 Supplemental Responses to Petitioner's  
6 Interrogatories, and, Mr. Pincow, I would  
7 direct your attention, please, to page 20.

8 A. Okay.

9 Q. Is that your signature?

10 A. Yes, it is.

11 Q. And by signing this document, was it  
12 your understanding that you were swearing under  
13 penalty of perjury that the contents of the  
14 interrogatory responses were true?

15 A. Yes.

16 Q. Did you review these interrogatories  
17 before signing at page 20?

18 A. Yes, I did.

19 Q. Now, I would like to direct your  
20 attention to page 12.

21 A. Okay.

22 Q. Wherein in response to  
23 Interrogatory No. 18 it is stated that there  
24 are three people at International Gold Star  
25 with responsibility for bookkeeping and

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2 accounting. Is that correct?

3 MR. THOMPSON: Just to be clear, I  
4 would object to that characterization of  
5 the interrogatory which has more  
6 qualifications to it than just being  
7 responsible for bookkeeping and accounting.

8 MR. FRIEDMAN: Very well. Objection  
9 is well taken.

10 Q. Can you identify for me, please, who  
11 is Lyudmila Glants?

12 A. She was an employee of International  
13 Gold Star.

14 Q. From when to when?

15 A. I don't remember from when. And she  
16 must have left about eight, ten months ago.

17 Q. Was she employed by International  
18 Gold Star as long as ten years ago, 1998?

19 A. I don't think so.

20 Q. You think that she started at some  
21 time after that?

22 A. Yes.

23 Q. And what was her position?

24 A. She was involved in different  
25 troubleshooting at Gold Star.



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2 Q. Did she have responsibility for  
3 bookkeeping and accounting?

4 A. Occasionally.

5 Q. Was she involved in production of  
6 the catalogs?

7 A. I don't know.

8 Q. Was she involved in maintaining the  
9 records of sales of products?

10 A. Some records, yes.

11 Q. Do you know where Gold Star stores  
12 its records of invoices from the year 1998?

13 A. Well, I know where we keep our  
14 archives of records. I don't remember what  
15 year they go from.

16 Q. Where do you keep your archive?

17 A. We keep it in the -- another office.  
18 We call it the Lorraine Street office.

19 Q. Is that in the same building as the  
20 Smith Street office?

21 A. It's in the adjacent building.

22 Q. And are the records stored according  
23 to year?

24 A. I would think they would be, but I  
25 don't know.

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2 Q. Who has primary responsibility over  
3 that?

4 A. Galina.

5 Q. Were you aware that a request had  
6 been made for documents showing the earliest  
7 sales of Babushka's Recipe by International  
8 Gold Star?

9 A. I know there was a request made for  
10 records. I don't recall exactly the exact  
11 wording of those requests.

12 Q. Do you recollect International Gold  
13 Star undertaking a search for records of its  
14 earliest sales of dairy products with  
15 Babushka's Recipe?

16 A. Yes, I do.

17 Q. When did that search take place?

18 A. I don't remember.

19 Q. Is it fair to say that it took place  
20 within the last month?

21 A. No.

22 Q. Is it fair to say that it took place  
23 approximately one year ago?

24 A. I would say that it probably took  
25 place after we received your interrogatories,

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2 your questions about invoices; show us when you  
3 first sold it, how you sold it, what you did.  
4 I would imagine that's when it started to take  
5 place.

6 Q. You are saying that you imagine it.  
7 Do you know that for a fact?

8 A. No.

9 Q. Did you have any participation in  
10 that search for records?

11 A. No.

12 Q. And who directed that search for  
13 records?

14 A. Galina.

15 Q. Just for purposes of making sure  
16 that the record is clear, each time you say  
17 "Galina," you are referring to Galina Pincow,  
18 your wife?

19 A. Yes, that's correct.

20 Q. Who is Rima Vulikh?

21 A. Rima Vulikh was working as a  
22 bookkeeper for us.

23 Q. When did she leave?

24 A. A few years ago.

25 Q. Was Rima Vulikh working for Gold

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2 Star as far back as 1998?

3 A. '98? I believe she was.

4 Q. Are you still in touch with Rima?

5 A. No, I'm not.

6 Q. Does International Gold Star have  
7 her last known address and telephone number?

8 A. We should have it.

9 Q. Do you happen to know what it is?

10 A. No.

11 Q. And who is James Pincow?

12 A. James Pincow is my son.

13 Q. What is his position, if any, with  
14 International Gold Star?

15 A. He is not working there now.

16 Q. Was he working there in 1998?

17 A. No.

18 Q. During the time that James Pincow  
19 worked at International Gold Star, did he have  
20 any involvement in the advertising and  
21 promotion of the Babushka brand?

22 A. I'm not sure.

23 Q. During the time that he was working  
24 there, did he have any involvement in the  
25 marketing of the Babushka brand?

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2 A. I don't recall.

3 Q. When did International Gold Star  
4 begin selling dairy products under the Babushka  
5 brand?

6 A. My recollection is it may be fifteen  
7 years ago.

8 Q. Now, fifteen years ago would take us  
9 back to 1993?

10 A. Well, it could be more than fifteen  
11 years ago, but I don't -- I just don't  
12 remember, but we have been selling it for quite  
13 a long time.

14 Q. I think you testified earlier that  
15 the first products that you sold under the  
16 Babushka brand was a log of butter?

17 A. I think so. I don't remember that  
18 far back, but I believe it was.

19 Q. Does International Gold Star, as far  
20 as you know, have any records that would  
21 establish when it first started selling dairy  
22 products under the Babushka brand?

23 A. Not that I know of.

24 Q. Would that information not be  
25 contained within the computers of International

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2 Gold Star?

3 A. I don't think they do contain that.

4 Q. Are you familiar with a person by  
5 the name of Alexander Alexander?

6 A. Yes.

7 Q. Who is he?

8 A. Alexander Alexander is a person that  
9 worked for me going back at least fifteen years  
10 ago. Maybe a little -- yeah, 17 years ago.

11 Exact date, I don't recall, but --

12 Q. What was his position?

13 A. He was managing my deli meat  
14 department.

15 Q. Was he working in the International  
16 Gold Star warehouse?

17 A. Yes.

18 Q. So the meat deli department was  
19 located in the warehouse?

20 A. Yes.

21 Q. Do you remember when he stopped  
22 working at International Gold Star?

23 A. No.

24 Q. Was there somebody that assumed his  
25 position when he left?

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2 A. I don't -- I can't really say  
3 someone assumed his position. The business  
4 just went on.

5 Q. Was a new warehouse manager hired  
6 after Alexander Alexander stopped working?

7 A. He was not a warehouse manager.

8 Q. He was the deli and meat manager you  
9 said?

10 A. No, not deli and meat, the deli  
11 meat. So his function was to work with deli  
12 meat products such as bologna, salamis, hams.  
13 Meat products. Products made from meat.

14 Q. So he had no involvement then with  
15 dairy products?

16 A. No.

17 Q. Who is Jacob Krumgalz?

18 A. Jacob Krumgalz is our manager, our  
19 warehouse manager.

20 Q. And what are his responsibilities as  
21 warehouse manager?

22 A. His responsibilities are receiving  
23 the products, signing in for them and shipping  
24 out the products.

25 Q. Do his responsibilities include

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2 placing labels on products?

3 A. Sometimes. Not him personally  
4 placing labels, but directing someone to place  
5 a label on a product.

6 Q. And approximately how long has Jacob  
7 Krumgalz been working for International Gold  
8 Star, if you know?

9 A. I would say somewhere around ten  
10 years.

11 Q. Do you recall making a statement  
12 that International Gold Star first started  
13 selling under the Babushka's Recipe brand in  
14 April of 1998?

15 A. I don't recall that statement.

16 Q. I'd like to direct you to what has  
17 been marked as P 205.

18 A. 2205 or 205?

19 MR. THOMPSON: He said P 205.

20 Q. And specifically to page 17, and  
21 Interrogatory No. 27 and the response thereto,  
22 does this refresh your recollection as to when  
23 you believe International Gold Star started  
24 selling products under Babushka?

25 A. No, it doesn't.



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2 Q. Yet you did read this response  
3 before signing the certification that  
4 everything was true?

5 A. Yes, I did.

6 Q. So how do you then explain the  
7 discrepancy?

8 MR. THOMPSON: Excuse me, what  
9 discrepancy is that that you are asking  
10 about?

11 MR. FRIEDMAN: Let me withdraw that  
12 question.

13 Q. From where did you derive the  
14 information to set forth that April 7, 1998 is  
15 the earliest date that International Gold Star  
16 would rely on for purposes of this proceeding?

17 MR. THOMPSON: I will object to that  
18 characterization. The response says  
19 shortly after April 7th, 1998.

20 MR. FRIEDMAN: Very well.

21 Q. From where did you obtain this  
22 information with respect to the date of shortly  
23 after April 7, 1998 as a date for earliest use  
24 of Babushka?

25 A. Well, I don't remember how we came

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2 to that, but I assume that these were the  
3 earliest records that we were able to find, but  
4 my recollection is that we even -- that we sold  
5 the Babushka Recipe even earlier than that, but  
6 if we put down an earlier date, you would  
7 probably want me to prove it to you, so I need  
8 to put down what I can prove. So that's what I  
9 think happened here.

10 Q. So is it fair to say then that at  
11 the time of your signing the certification on  
12 June 20, 2007 that the contents of these  
13 interrogatory responses are true, that you had  
14 documents to rely upon showing date of use of  
15 April -- of shortly after April 7, 1998?

16 A. I can't remember what I did when I  
17 signed it. If I signed it, I'm sure it must be  
18 true, but I don't remember what was in my mind  
19 a few years ago when I did sign these papers.

20 Q. Could you take a look, please, at  
21 the exhibit marked as 103. It looks like this  
22 (indicating).

23 A. Okay.

24 THE WITNESS: This is yours.

25 MR. FRIEDMAN: Well, actually that's

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2 one of the exhibits.

3 THE WITNESS: You know what, I mixed  
4 up some of your papers.

5 MR. THOMPSON: All of the papers  
6 that were there are part of the same group.  
7 They are all exhibits. Everything that we  
8 give you is an official exhibit.

9 THE WITNESS: I see.

10 A. Okay. I am looking at 103.

11 Q. Do you see there is some handwriting  
12 on it on the upper left-hand side of the label?

13 A. Yes, I do.

14 Q. Do you recognize that handwriting?

15 A. No.

16 Q. Do you know what that date  
17 represents?

18 A. No, I don't.

19 Q. Back in 1998 was International Gold  
20 Star selling Havarti cheese?

21 A. I don't remember.

22 Q. Was it selling farmer's cheese in  
23 1998?

24 A. '98, yes.

25 Q. Who manufactured the farmer's cheese

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2 in 1998?

3 A. Queensboro.

4 Q. And with whom at Queensboro did you  
5 interact?

6 MR. THOMPSON: Objection. You  
7 haven't laid a foundation that he  
8 personally interacted with anybody at  
9 Queensboro.

10 MR. FRIEDMAN: That's true.

11 Q. Did you interact with anybody at  
12 Queensboro Cheese in 1998?

13 A. You mean did I speak to someone from  
14 Queensboro Cheese Company or dairy company?

15 Q. Yes.

16 A. Yes, I did.

17 Q. And with whom did you speak?

18 A. Mr. Miller.

19 Q. Who prepared the labels -- by the  
20 way, Mr. Miller, would that be Butch Miller?

21 A. Yes.

22 Q. Who prepared the labels, if any --  
23 let me withdraw the question.

24 Did International Gold Star then  
25 sell the farmer's cheese prepared by Queensboro

1 R. Pincow - Confidential

2 under a label?

3 A. Yes.

4 Q. And under what label?

5 A. Babushka's Recipe label.

6 Q. And who prepared those labels?

7 A. When you say "prepared," what do you  
8 mean by prepared?

9 Q. What company designed the labels?

10 A. I don't recall.

11 Q. Was it anybody in connection with  
12 Irina Lubenskaya?

13 A. I don't remember.

14 Q. Was it anybody in connection with  
15 Dan Bartolomeo?

16 A. I don't remember.

17 Q. Who had primary responsibility at  
18 that time for dealing with the person who  
19 prepared the labels?

20 A. Galina Pincow.

21 Q. Does International Gold Star  
22 maintain records of its dealings with the  
23 people who were designing and preparing labels  
24 back in 1998?

25 A. We try to keep records as much as we

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2 can, but there is a limit to what you can keep  
3 and for how long you can keep it. So if we  
4 have the records or if we don't have the  
5 records, I don't know.

6 Q. Is there a particular records  
7 retention policy at International Gold Star for  
8 how long records are kept?

9 A. I don't know if there is one. I  
10 don't have one in particular except what the  
11 IRS tells us we have to have.

12 Q. Are you familiar with a company by  
13 the name of A&O Corp?

14 A. Excuse me?

15 Q. A&O Corp?

16 A. A&O? The name sounds familiar, but  
17 I don't recall it offhand.

18 Q. Do you remember ever doing business  
19 with a company with which Mr. Bekker  
20 participated apart from the conversation that  
21 you described during your testimony?

22 MR. THOMPSON: Objection to form,  
23 how he would know if Mr. Bekker  
24 participated.

25 MR. FRIEDMAN: Okay.

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2 Q. Do you recollect sitting here today  
3 having had any interaction with Mr. Bekker  
4 before that meeting that you described during  
5 your testimony?

6 A. Repeat that.

7 Q. Do you remember having any  
8 interaction whatsoever with Mr. Bekker, who is  
9 here sitting to my left --

10 A. Yes.

11 Q. -- before the meeting that you  
12 described during your testimony when  
13 Mr. Thompson was asking you questions?

14 A. I don't remember, but at that  
15 meeting Mr. Bekker reminded me of interacting  
16 in earlier years, but I did not recall  
17 interacting with him from previously prior to  
18 that meeting.

19 Q. So it did not refresh your  
20 recollection then, it does not refresh your  
21 recollection now?

22 A. About what?

23 Q. About having had earlier interaction  
24 with him.

25 A. No.

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2 Q. And I believe you also -- you  
3 testified that you also met with Oleg Kessler  
4 when Mr. Bekker came in?

5 A. I said his partner, yes, that would  
6 be his name, Oleg Kessler.

7 Q. Did you have any earlier  
8 interactions with Mr. Kessler?

9 A. Well, I don't remember which one  
10 said that I worked with them earlier or knew  
11 them earlier or we had some inter-reaction, but  
12 they had recollection of it. I didn't.

13 MR. FRIEDMAN: I think that I will  
14 be wrapping up shortly, but I'd like to  
15 review some notes.

16 MR. THOMPSON: Do you want to go off  
17 the record?

18 MR. FRIEDMAN: Well, I would like  
19 to, among other things, take a bathroom  
20 break.

21 MR. THOMPSON: That's fine. I am  
22 just trying to figure out how long so I  
23 know if I can walk out.

24 THE WITNESS: How long will it take  
25 you to do what you need to do?



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2 MR. FRIEDMAN: If we give it -- if  
3 you are agreeable, can we take five to ten  
4 minutes.

5 MR. THOMPSON: Sure.

6 MR. FRIEDMAN: All right.

7 (Recess was taken from 12:03 to  
8 12:34.)

9 BY MR. FRIEDMAN:

10 Q. Are you familiar with an individual  
11 named Vladimir Krasnov?

12 A. Yes.

13 Q. Who is he?

14 A. He has a store in Michigan.

15 Q. What is that store?

16 A. The name of the store?

17 Q. Yes.

18 A. Some kind of deli. I don't recall  
19 the exact name of the store. Russian-type  
20 deli.

21 Q. Is he a customer of International  
22 Gold Star?

23 A. Yes, he is.

24 Q. Has he been purchasing the  
25 Babushka's Recipe dairy product from

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2 International Gold Star?

3 A. He is our customer. I don't  
4 remember the mix of products that he buys from  
5 us.

6 Q. Do you know why he has been  
7 identified as a witness in this proceeding by  
8 Gold Star?

9 A. No.

10 Q. Are you familiar with Igor  
11 Zagranichniy?

12 A. Yes.

13 Q. Who is he?

14 A. He is -- who is he?

15 Q. Yes.

16 A. He is Igor.

17 Q. What does he do? What's his  
18 business?

19 A. His business today is -- he is  
20 involved in real estate.

21 Q. Is he involved or has he been  
22 involved in the sale of dairy products?

23 A. He was involved in the sale of food  
24 products to the Russian deli-type stores.

25 Q. And what was his involvement?

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2 A. He had a company that bought  
3 products and sold the products to the stores.

4 Q. What was his company?

5 A. Roman & Son.

6 Q. Where were they located?

7 A. In Brooklyn.

8 Q. And do you remember the years,  
9 approximately, that they were in operation,  
10 Roman & Son?

11 A. He hasn't been working for about two  
12 years or approximately two years he hasn't been  
13 in the business, but prior to that he was in  
14 that business for over ten years.

15 Q. Do you have any business dealings  
16 with him currently?

17 A. No.

18 Q. And does International Gold Star  
19 have any business dealings with him currently?

20 A. No.

21 Q. Do you know why he has been  
22 identified as a witness by International Gold  
23 Star?

24 A. Yes.

25 Q. Why?

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2 A. He is familiar with the products  
3 that different distributors were selling and  
4 what different stores were selling in the  
5 Russian ethnic marketplace.

6 Q. I'd like you to take a look, please,  
7 at an exhibit that was marked on Tuesday as  
8 Registrant's Exhibit 115.

9 A. Okay.

10 Q. Can you identify that document?

11 A. It's an invoice produced by our  
12 company, Gold Star, to our customer in  
13 Southfield, Michigan, New York International  
14 Store.

15 Q. Does this invoice reflect any sales  
16 of Babushka's Recipe brand?

17 A. Let's see. Yes, it does.

18 Q. And where is that?

19 A. That would be on the second page  
20 where it's marked 30.70 farmer cheese granny's  
21 recipe.

22 Q. What is that product number to the  
23 left, MG05?

24 A. I don't know.

25 Q. I notice on this document that in

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2 the column to the far left under product number  
3 all of these different products have different  
4 product numbers composed of either letters or  
5 letters and numbers. Is that correct?

6 A. Can you repeat that.

7 Q. What are the numbers, combinations  
8 of letters and numbers in the far left column,  
9 what do they represent?

10 A. I don't know.

11 Q. Was there a change in the manner in  
12 which International Gold Star identifies its  
13 products in its catalogs as we were looking at  
14 earlier today, was there a change from this  
15 product numbering system that we see in R 115  
16 to the product numbering system that we see in  
17 the catalogs?

18 A. From the exhibits that you showed me  
19 today, there is a change.

20 MR. THOMPSON: I would just object  
21 because we haven't established there is a  
22 system, quote unquote, but go ahead.

23 Q. Was there a system prior to the  
24 printing of the first catalog that we looked at  
25 that was the price list of 2001-2002?

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2 A. I need to know what you mean by a  
3 system.

4 Q. Okay. A system of identifying  
5 products by code. You testified earlier today  
6 that there was a coding system in the catalogs.

7 A. But I also testified that I don't  
8 know anything about the coding system and I  
9 will say that now, I don't know how this coding  
10 system originated.

11 Q. And who would know?

12 A. Galina Pincow would know.

13 Q. The invoice that you have in front  
14 of you, 115, did it come in multiple copies, if  
15 you know?

16 A. Invoice 115? The Exhibit 115? Yes,  
17 it does.

18 Q. How many copies are created by  
19 International Gold Star?

20 A. There are three copies created.

21 Q. Are they different colors?

22 A. Yes.

23 Q. What are the colors?

24 A. White, yellow and pink orange,  
25 orangey-pink, something like that.

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2 Q. What is done with the yellow copy?

3 A. The yellow -- hold on a second. I  
4 don't remember which one -- the white one we  
5 keep. When the driver makes a delivery we keep  
6 it, when our driver makes local deliveries.  
7 The orange or the yellow comes back to us. I  
8 don't remember which one. No, no, I mean the  
9 store keeps, the local store, when we make  
10 deliveries, either the yellow or the orange or  
11 the pink one, whatever, is kept by the store  
12 and the white one comes back to us.

13 Q. There is a total of three that are  
14 made?

15 A. Yes.

16 Q. One goes to the customer, one is  
17 kept by you?

18 A. Right.

19 Q. And the third?

20 A. Must be kept somewhere. I don't  
21 know.

22 Q. Could you please take a look at the  
23 next exhibit that is marked as 116.

24 A. Okay.

25 Q. There is some handwriting on the

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2 first page of that exhibit.

3 A. Yes.

4 Q. Do you recognize that handwriting?

5 A. No.

6 Q. Do you know what that handwriting  
7 represents?

8 A. Well, usually it represents -- if we  
9 make a delivery, if the driver makes a  
10 delivery, he comes back with what the customer  
11 paid, or they might just sign for the invoice,  
12 or if there is some kind of a return, they will  
13 write it in by hand.

14 Q. And is that information then taken  
15 by employees at International Gold Star and  
16 entered into your computer system?

17 A. Yes.

18 Q. And does International Gold Star or  
19 did it at or about the time of these invoices,  
20 which are in the period of December 1998, did  
21 International Gold Star track the sales of its  
22 different items at that time?

23 A. I don't know.

24 Q. Who would know that?

25 A. Galina.



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2 Q. Looking through this Exhibit R 116,  
3 do you see any sales of Babushka's Recipe brand  
4 products?

5 A. Well, on the first page I see 12.4  
6 farmer cheese granny's recipe, which is  
7 Babushka's Recipe. Let's continue. Do you  
8 want me to look page by page? I will do that.

9 Q. Yes.

10 A. Okay. On the second page we have  
11 29.7 pounds of granny's, also known as  
12 Babushka's Recipe, farmer cheese.

13 On the third page -- and these are  
14 different stores that I am referring to. Each  
15 page is a different store that we sold to.  
16 6.60 pounds of farmer cheese, granny's recipe  
17 or Babushka's Recipe.

18 Q. Is there a number on the bottom of  
19 your page, GOLD and then a number?

20 A. Yes, GOLD 0233.

21 Okay. Then we go to with the  
22 notation GOLD 236 we have 18.00 farmer  
23 cheese -- no, that's not the Babushka one.  
24 Sorry. 17.80 Babushka's Recipe farmer cheese.

25 Q. And let me just ask you, why is it

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2 that it is noted that the product is noted in  
3 the invoice as granny's recipe whereas  
4 International Gold Star claims that the product  
5 was labeled Babushka's Recipe?

6 A. Well, I mentioned earlier, granny  
7 and babushka means the same and I don't know  
8 why they put in granny's or babushka, but the  
9 label distinctly said babushka on it and -- I  
10 don't know.

11 Q. Is it fair to say that -- and take a  
12 couple of minutes if you need to to look  
13 through this exhibit -- that the only items  
14 reflected as being sold under the granny's  
15 recipe mark are farmer's cheese?

16 A. No, it's not fair to say that.

17 Q. Okay. Please show me an example of  
18 a different product.

19 A. No, I cannot show you. You asked me  
20 to look at according to this exhibit is it fair  
21 to say that and I can say to you no, it's not  
22 fair to say that.

23 Q. But I am talking about with respect  
24 to the exhibit. Do you see any other sales of  
25 granny's recipe or Babushka's Recipe in this

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2 exhibit?

3 A. Well, in the exhibit I see -- let's  
4 see. I have to look through it.

5 (Document review.)

6 A. Well, so far the only -- in this  
7 exhibit the only thing that I notice without  
8 taking up another hour is the granny's recipe  
9 farmer cheese.

10 Q. Is it fair to say then that during  
11 this period of time of December 1998 the only  
12 dairy product being sold by International Gold  
13 Star under Babushka's Recipe or granny's recipe  
14 was farmer's cheese?

15 A. No, it's not fair to say that.

16 Q. What else was being sold under the  
17 Babushka's Recipe label?

18 A. Well, because it may not reflect in  
19 the invoice where we have a product -- a full  
20 description Babushka's Recipe butter,  
21 Babushka's Recipe this. It may be just a  
22 generic classification for that product where  
23 it says butter or some other product and, in  
24 fact, it may have been the Babushka's Recipe,  
25 which chances are it was. So that's why it's

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not fair to say that.

Q. Then why would it not reflect that if butter was granny's recipe --

A. Because to simplify the process of creating invoices, sometimes you don't have to put every -- you don't have to dot every I and cross every T.

Q. When did International Gold Star, if ever, start placing UPC codes on the products that it sold?

A. I don't know.

Q. Do you know who created UPC codes for the Babushka's Recipe product sold by International Gold Star?

A. No, I don't.

MR. FRIEDMAN: Okay. I'd like to mark this as an exhibit. Let's go off the record for a second.

(Discussion off the record.)

(Petitioner Exhibit 206, Gem Printing letter dated May 2, 2007, Bates stamped GOLD 0204 through GOLD 0208 and GOLD 0210 through GOLD 0225, marked for identification.)

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2 MR. FRIEDMAN: For the record,  
3 what's been marked as P 206 is a series of  
4 Bates stamped documents starting with the  
5 designation GOLD 0204 and ending GOLD 0225.  
6 For the record, I will represent that these  
7 documents were produced to me on Tuesday  
8 morning and I object to Gold Star's use of  
9 these documents, however, I will question  
10 concerning the documents while reserving my  
11 objection.

12 BY MR. FRIEDMAN:

13 Q. If you need to take a moment to look  
14 through these documents, please do so.

15 (Document review.)

16 Q. Have you seen this set of documents  
17 before today?

18 A. No.

19 Q. I am going to direct your attention  
20 to 0206 at the bottom. Do you recognize any of  
21 the handwriting there?

22 A. No.

23 Q. I am going to direct your attention  
24 to 0210. Do you recognize any of the  
25 handwriting there?

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2 A. No.

3 Q. Now, I notice that on 0213 and  
4 subsequent pages there appear to be at the  
5 upper left UPC codes.

6 A. Yes.

7 Q. Do you know where these documents  
8 came from with the UPC codes?

9 A. No, I don't.

10 Q. Do you know if they came from the  
11 same source as the person who wrote the  
12 covering letters, Mr. Bartolomeo?

13 A. No, I don't.

14 Q. Would you have any way of knowing if  
15 these documents came from Irina Lubenskaya?

16 A. No, I don't. I don't know if it  
17 came from her.

18 Q. Now, there is a series of documents  
19 from 213 to 223 that have the UPC codes. Do  
20 you know anything about any of these UPC codes  
21 on these ten pages of documents?

22 A. No.

23 Q. And then turning to the GOLD 0224,  
24 do you know if that document -- that page came  
25 from the same source as the pages containing

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2 the UPC codes?

3 A. Well, this is what Irina Lubenskaya  
4 drew for us.

5 Q. 0224?

6 A. Right. This is her design.

7 Q. Okay. And 0224 is a black and white  
8 outline?

9 A. On this copy it is, yes.

10 Q. On the very next page, GOLD 0225, is  
11 that the same design with color added?

12 A. Yes.

13 Q. Was that done by Irina Lubenskaya?

14 A. Yes, it was. I mean, the design was  
15 done. I don't know who printed this page, but  
16 the design was done by her.

17 Q. Okay. So you know that for sure,  
18 but you don't know if the UPC codes are in any  
19 way connected to the design by Irina  
20 Lubenskaya?

21 A. No, I don't know about the UPC  
22 codes.

23 Q. And then if we turn back towards  
24 the -- let's say the GOLD 0207 --

25 A. Okay.

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2 Q. Is that the same design that was  
3 created by Irina Lubenskaya?

4 A. Yes.

5 Q. Was this label that we see on 0207  
6 created by Lubenskaya?

7 MR. THOMPSON: I'm sorry, just to be  
8 clear --

9 A. What do you mean by "label"?

10 MR. THOMPSON: Thank you.

11 Q. Well, we see what appear to be on  
12 GOLD 0207 two labels side by side, each having  
13 a UPC code at the bottom. On the left it says  
14 vegetable yogurt cheese, on the right it says  
15 smoked yogurt cheese.

16 A. Yes, I see it.

17 Q. That's what I mean by label.

18 A. Okay.

19 Q. Were these labels created by Irina  
20 Lubenskaya?

21 A. Well, yes, of course, they were made  
22 by her, yes.

23 Q. So she was involved with the company  
24 that Gem had purchased?

25 A. No, she was not involved.



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2 Q. So what was Irina's involvement in  
3 creating this label?

4 A. Irina made the label, the look with  
5 the babushka, the grandmother picture, and then  
6 with the word "Babushka's Recipe," that's her  
7 font, and then you can put in whatever you want  
8 later on, you can make vegetable yogurt cheese  
9 in that window or you could put yogurt cheese  
10 or you could put any other product in that  
11 window. So she made the -- I guess you would  
12 call it the general look with the general idea  
13 of the Babushka's Recipe.

14 Q. And as far as you know, is that the  
15 sum and substance of Irina Lubenskaya's  
16 involvement in the creation of this label?

17 A. Yes, as far as I know.

18 Q. Are you familiar with Peerless  
19 Press?

20 A. Peerless Press, yes, I am.

21 Q. Who are they?

22 A. They are a printing company in  
23 Brooklyn.

24 Q. Do they print labels for  
25 International Gold Star?

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2 A. I don't remember if they printed  
3 labels for us or not. They have done printing  
4 for us, but I don't remember exactly what type  
5 of printing they have done.

6 (Oleg Kessler enters.)

7 Q. Are you familiar with a company by  
8 the name of Glenroy First Impressions?

9 A. Yes.

10 Q. And what do they do?

11 A. They make machines that you can  
12 print labels on the premises. They also give  
13 you the blank labels, they sell you the blank  
14 labels to print your own labels.

15 Q. Did International Gold Star purchase  
16 such blank labels from Glenroy First  
17 Impressions?

18 A. Yes.

19 Q. And did International Gold Star  
20 affix Babushka's Recipe markings on such  
21 labels?

22 A. Yes.

23 Q. When was that done?

24 A. I don't know the exact date when it  
25 was done.

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2 Q. The time period, generally.

3 A. More than ten years ago.

4 Q. Would that have been the labels that  
5 would have been reflected on the exhibits that  
6 you were looking at, 115 and 116, the invoices  
7 from December of '98?

8 A. I'm not sure.

9 MR. FRIEDMAN: I'd like to have this  
10 marked as petitioner's next exhibit. It  
11 has Bates stamp numbers GOLD 0007 and 0008  
12 at the bottom.

13 (Petitioner Exhibit 207, e-mail  
14 dated May 22, 2007 with attachment, Bates  
15 stamped GOLD 0007 and GOLD 0008, marked for  
16 identification.)

17 Q. Okay, Mr. Pincow, you are looking at  
18 what's been marked as P 207. It's two pages  
19 stapled together. The bottom bears Bates stamp  
20 numbers GOLD 0007 and GOLD 0008.

21 A. Okay.

22 Q. Have you seen this document before?

23 A. No.

24 Q. Is this your son James Pincow that's  
25 mentioned in the e-mail on the first page?

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2 A. I assume it is. I don't know any  
3 other James Pincow.

4 Q. And it reflects a screen capture of  
5 files directory and a zipped folder with files.

6 As far as you know, is that what is  
7 reflected on the following page?

8 A. I don't know. I don't know anything  
9 about this.

10 Q. Do you know if the documents or  
11 material contained within the zipped files have  
12 ever been found and turned over to  
13 Mr. Thompson?

14 A. I don't know.

15 MR. FRIEDMAN: I'm almost done, but  
16 I need to ask you about a couple more  
17 documents.

18 I am going to mark GOLD 0015. Do  
19 you know if that goes together with gold  
20 0016 or should we mark them separately?

21 MR. THOMPSON: I don't know. I  
22 haven't even looked at them yet.

23 (Petitioner Exhibit 208, copy of  
24 Babushka's Recipe Homestyle Butter, Bates  
25 stamped GOLD 0015, marked for

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2 identification.)

3 Q. You have P 208. It's one page  
4 bearing Bates stamp number GOLD 0015. Do you  
5 recognize this?

6 A. Yes, I do.

7 Q. What is it?

8 A. This is that roll butter that I  
9 referred to earlier with the label saying  
10 Babushka's Recipe.

11 Q. And do you know what time period  
12 this is from?

13 A. From what country?

14 Q. From what time period?

15 A. Oh, at least ten years ago.

16 Q. How do you know that?

17 A. I remember when we had it, more or  
18 less.

19 Q. Well, do you see the number 48001?

20 A. Yes.

21 Q. Do you know what that refers to?

22 A. No. I assume it refers to the  
23 product number, but I don't know what it means.

24 Q. Are there any records that Gold Star  
25 has that would verify when this document was

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2 created?

3 A. I don't know that.

4 Q. Who would know that?

5 A. Galina.

6 MR. FRIEDMAN: Let's do this one as  
7 well.

8 THE WITNESS: Can I re-answer a  
9 question that he asked me?

10 MR. THOMPSON: If you need to  
11 correct an answer, please do.

12 THE WITNESS: Yes. I want to go  
13 back to -- he showed me petitioner  
14 Exhibit 208 and when he asked me when is  
15 that from.

16 MR. FRIEDMAN: Yes.

17 THE WITNESS: And I said at least  
18 ten years ago, what I meant by at least ten  
19 years ago was that we were selling this  
20 type of a product at least ten years ago.  
21 When this particular flyer went out, that I  
22 don't remember.

23 MR. FRIEDMAN: Thank you for  
24 clarifying that.

25 THE WITNESS: You're welcome.

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2 Q. Do you know what it says at the top  
3 in what appears to be Cyrillic?

4 A. No.

5 Q. You don't speak Russian?

6 A. No.

7 (Petitioner Exhibit 209, price list,  
8 Bates stamped GOLD 0016, marked for  
9 identification.)

10 Q. Do you have P 209 in front of you?

11 A. Excuse me?

12 MR. THOMPSON: Exhibit 209.

13 A. Yes, I have it in front of me.

14 MR. FRIEDMAN: For the record, it  
15 bears Bates stamp number GOLD 0016.

16 Q. Do you recognize this?

17 A. I have not seen this before.

18 Q. From looking at it, can you tell  
19 what time period this particular document was  
20 created?

21 A. No, I can't.

22 MR. FRIEDMAN: This is what you gave  
23 me this morning; correct?

24 MR. THOMPSON: That's an original of  
25 one of the exhibits we just marked.

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2 MR. FRIEDMAN: Please mark this as

3 P 210.

4 (Petitioner Exhibit 210, Farmer  
5 Cheese (Tvorog) original label, marked for  
6 identification.)

7 Q. You are looking at P 210. Can you  
8 identify it?

9 A. Yes.

10 Q. Actually, you have an additional  
11 exhibit in your hand, so just for the record,  
12 could you tell me what you are holding in your  
13 right hand?

14 A. A copy of Exhibit 210.

15 Q. Does that copy have an exhibit  
16 number itself on it?

17 A. 119.

18 Q. Can you identify Exhibit P 210?

19 A. Yes.

20 Q. What is it?

21 A. It's the label that goes on the  
22 vacuum bag of the Babushka's Recipe farmer  
23 cheese.

24 Q. Is that label the same today as it  
25 was in the year 1998?



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2 A. I assume it's the same or very close  
3 to it.

4 Q. But you are not sure?

5 A. Well, I'm sure it had Babushka's  
6 Recipe on it. The picture and the logo I am  
7 sure of, but because the printer -- I would say  
8 it's the same.

9 Q. Is P 210 an example of a  
10 print-it-yourself label?

11 A. Yes, it is.

12 Q. Was P 210 printed by International  
13 Gold Star?

14 A. Yes.

15 Q. Where?

16 A. In our office.

17 Q. Your office on Smith Street?

18 A. Yes.

19 Q. Using what machine?

20 A. A Glenroy machine or similar to a  
21 Glenroy machine. It's a label printer.

22 Q. And is International Gold Star using  
23 the same label printing machine today that it  
24 was using in 1998?

25 A. I'm not sure. We changed the

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machine because the old one broke down, but we bought a similar one to it, but I don't remember exactly when we bought it.

Q. Back in 1998 was International Gold Star using any other labels for its farmers cheese other than labels that it printed itself?

A. I don't believe so.

Q. Who would know that?

A. Galina would know that.

MR. FRIEDMAN: No further questions at this time. Thank you.

MR. THOMPSON: I have no more questions.

THE WITNESS: Thank you.

MR. FRIEDMAN: Thanks for coming in.

(Time noted: 1:17 p.m.)

-----

ROBERT PINCOW

Subscribed and sworn to before me  
this            day of            2008.

-----

C E R T I F I C A T E

[illegible]

I, KRISTIN KOCH, a Notary Public within  
and for the State of New York, do hereby  
certify:

That ROBERT PINCOW, the witness whose deposition is hereinbefore set forth, was duly sworn by me and that such deposition is a true record of the testimony given by such witness.

I further certify that I am not related to any of the parties to this action by blood or marriage; and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 22nd day of October, 2008.

KRISTIN KOCH, RPR, RMR, CRR, CLR

-----I N D E X-----

WITNESS	EXAMINATION BY	PAGE
ROBERT PINCOW	MR. THOMPSON	4
	MR. FRIEDMAN	38

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

-----X		
FOUR SEASONS DAIRY, INC.,	:	Cancellation No. 92/042,082
	:	
Petitioner,	:	
	:	Mark: <b>BABUSHKA'S RECIPE</b>
v.	:	
	:	Reg. No. 2,479,287
INTERNATIONAL GOLD STAR	:	
TRADING CORP.,	:	
	:	
Registrant.	:	
-----X		

REGISTRANT'S SUPPLEMENTAL RESPONSES TO PETITIONER'S INTERROGATORIES

Registrant, International Gold Star Trading Corp. ("Gold Star"), hereby responds to the Interrogatories propounded by Petitioner, Four Seasons Dairy, Inc.

General Objections

1. Registrant objects to the Interrogatories to the extent that they seek the identification of documents and/or things subject to a claim of attorney-client privilege, attorney work product or any other immunity from discovery. Any such documents and/or things will not be produced.

2. Registrant objects to the Interrogatories to the extent that they seek the identification of documents and/or things that contain confidential information of Registrant, and shall produce such documents and/or things only in accordance with the Protective Order.

3. Registrant objects to the Interrogatories to the extent that they impose obligations beyond the scope of discovery permissible under the Federal Rules of Civil Procedure, Title 37 of the Code of Federal Regulations, the TBMP or other applicable authority.

4. Registrant objects to the Interrogatories to the extent that they seek identification of attorney-client privileged and/or attorney work product documents and/or things and/or information concerning same, which documents, things and/or information concern the conduct of this proceeding and were created after the filing of the Petition herein.

5. Registrant objects to the Interrogatories to the extent that they seek the identification of documents and/or things not within Registrant's possession, custody or control.

6. Registrant objects to the Interrogatories to the extent that they seek the identification of documents and/or things, and/or information not relevant to this action and/or not reasonably calculated to lead to the discovery of admissible evidence herein.

7. Registrant's responses are not admissions that the requested information is relevant, material or admissible and are not waivers of any rights or objections available to Registrant.

8. Registrant objects to the Interrogatories to the extent that they seek identification of entire documents that contain both relevant and irrelevant information and/or both information that is requested and information that is not requested and/or both information that is immune from discovery and information that is not so immune.

9. Registrant objects to the Interrogatories to the extent that they contain a phrase such as "[a]ll documents" or the like as being overly broad and unduly burdensome to the extent that they include, for example, documents which, although containing passing reference to identified subject matter, would not ordinarily be expected to contain such information and therefore could be found only through an unreasonably burdensome search.

10. Registrant objects to the Interrogatories to the extent that they are duplicative, overlapping or otherwise redundant as to subject matter of any other Interrogatory.



11. Registrant's responses are based upon its present knowledge, information and belief and are subject to correction, modification and/or supplementation based upon later-acquired facts or other information.

12. Registrant's responses indicating that documents and/or things will be produced in response to a specific Interrogatory are not representations or admissions that such documents and/or things are within the possession, custody or control of Registrant or that such documents and/or things exist. Instead, such responses indicate only that should any such documents and/or things be found within the possession, custody or control of Registrant after a reasonable search, they will be produced, subject to any applicable objections.

13. Any objection based upon a claim of attorney-client privilege, attorney work product or any other immunity from discovery is not a representation or admission that there are such requested documents and/or things are within the possession, custody or control of Registrant or that such documents and/or things exist. Such an objection indicates only that the scope of the Interrogatory may extend to information, documents and/or things not subject to discovery for one or more of these reasons and that, should such information, documents and/or things be found within the possession, custody or control of Registrant after a reasonable search, they will not be provided.

14. Registrant objects to the provision of information, documents and/or things that would violate any duty or obligation that Registrant has to a nonparty to this action.

These objections apply to all of Registrant's responses. Specific objections are made in response to a specific Interrogatory only because they are believed to be particularly applicable to the request. They are not to be construed as waivers of any other General Objection not specifically recited therein.

## **INTERROGATORIES**

### **Interrogatory No. 1**

Identify all officers and directors of Registrant from 1997 to the present.

#### **Response:**

Robert Pincow, President of Gold Star from 1997 to the present. He may be reached through Gold Star's counsel.

### **Interrogatory No. 2:**

Describe in detail all past and existing relations, including contracts, agreements, licenses, assignments, or other relations, between Registrant and any third party, including predecessor companies, related, or affiliated companies, relating in any manner to Registrant's Mark.

#### **Response:**

TRADE SECRET/COMMERCIALY SENSITIVE material produced pursuant to Protective Order. Documents sufficient to respond to this Interrogatory have been identified and will be available for exchange, at a mutually convenient place and time.

### **Interrogatory No. 3:**

With respect to Registrant's Mark, identify the person or persons most knowledgeable about Registrant's sales, advertising and sales promotion, adoption and use, licensing, and assignment or other transfer of rights.

**Response:**

Galina Pincow, Vice-President of Gold Star. She may be reached through Gold Star's counsel.

**Interrogatory No. 4:**

Identify all state and federal registrations, applications for registration, and uses by Registrant of any mark which incorporates the terms BABUSHKA or BABUSHKINO, and for each such registration, application, and use, identify all documents relating thereto.

**Response:**

United States Trademark Registration No. 2,479,287, the subject of the instant cancellation; and United States Trademark Applications Ser. Nos. 78/333,758 and 78/978,140.

Relevant documents include the file histories of the applications and registration available from the United States Patent and trademark Office. Other documents may be protected by the attorney-client privilege, and/or be confidential. Reference is therefore made to General Objection Nos. 1 and 2.

Gold Star uses the mark BABUSHKA'S RECIPE mark on at least the following goods: Dairy products, excluding ice cream, ice milk and frozen yogurt; processed and marinated vegetables; meat products, namely, chicken bologna, veal bologna, beef bologna, pork bologna, pork salami, kielbasa, canned roast beef in gravy, meats other than chicken bologna, veal bologna, beef bologna, pork bologna, pork salami, kielbasa and canned roast beef in gravy; processed meats; edible oils and fats.

**Interrogatory No. 5:**

Identify all third-party state and federal registrations, applications for registration, and uses known to Registrant of any mark which incorporates the terms BABUSHKA or BABUSHKINO, and for each such registration, application, and use, identify all documents relating thereto.

**Response:**

Gold Star is not aware of any third-party application or use of any mark which incorporates the term "BABUSHKA". Gold Star is aware of a third party registration for the mark DECAF BABUSHKA BLEND, Reg. No. 2221853.

Gold Star is not aware of any third-party registration, application or use which incorporates the term BABUSHKINO.

**Interrogatory No. 6:**

Describe in detail the nature of Registrant's business or businesses, including the date on which Registrant first engaged in each such business.

**Response:**

Gold Star is an importer and distributor of fine foods, with an emphasis on the ethnic food market, especially Russian and Eastern European ethnic foods. It has been engaged in that business since at least 1988.

**Interrogatory No. 7:**

Identify and describe each of the goods and/or services on which Registrant intends to use or has used Registrant's Mark, or any variation thereof

**Response:**

The goods with which Gold Star now uses the mark BABUSHKA'S RECIPE are listed in the above response to Interrogatory No. 4.

Gold Star intends to use the mark on at least the following goods: staple foods, namely, breads, cookies, cakes and pastries; candies; honey; salt; mustards; sauces; spices; mineral and aerated waters; fruit based beverages; non-alcoholic beverages, namely, carbonated beverages; vegetable juices; fruit drinks; fruit juices; fruits and vegetables; preserved, dried and cooked fruits and vegetables; jellies; jams; and side dishes made from processed fruits.

**Interrogatory No. 8:**

Identify all documents and set forth with specificity all facts regarding the selection by Registrant of Registrant's Mark including, without limitation, the circumstances and method by which Registrant adopted the terms BABUSHKA as a part of its mark.

**Response:**

TRADE SECRET/COMMERCIALY SENSITIVE material produced pursuant to Protective Order. Please see General Objections Nos. 1 and 9. No responsive documents have been identified. Registrant selected the mark because it was familiar to Registrant's customers and intended customers and conveyed desired feelings of warmth, trustworthiness

and comfort.

**Interrogatory No. 9:**

Describe in detail the derivation of the terms BABUSHKA'S RECIPE as Registrant's Mark and identify all documents related thereto.

**Response:**

TRADE SECRET/COMMERCIALY SENSITIVE material produced pursuant to Protective Order. Please see General Objections Nos. 1 and 9. Please see response to Interrogatory No. 8.

**Interrogatory No. 10:**

Identify all persons who were involved in, or participated in any way with, the decision to adopt, register and/or use the BABUSHKA'S RECIPE designation, and for each such person state his/her title and the role he/she played to adopt, register and/or use the BABUSHKA'S RECIPE designation.

**Response:**

Galina Pincow was the sole person involved with the initial selection of the mark BABUSKA'S RECIPE.

**Interrogatory No. 11:**

State whether any searches or investigations were conducted by Registrant, its attorneys, or any persons on its behalf to determine whether Registrant's Mark was available

for use and/or registration, and, if so, identify each such search or investigation including the date such search or investigation was performed and the marks located in such search or investigation.

**Response:**

A search for relevant and responsive information is ongoing.

**Interrogatory No. 12:**

Identify all manufacturers or intended manufacturers of goods, and all promoters or intended promoters of services, bearing Registrant's Mark.

**Response:**

TRADE SECRET/COMMERCIALY SENSITIVE material produced pursuant to Protective Order. Queensboro Farms, Queens, New York; Bunker Hill Cheese Company, Inc., Millerburg, OH; Danish Maid, Chicago, IL.

**Interrogatory No. 13:**

For each of the goods identified in Registrant's application, to register Registrant's Mark identify all documents supporting the date on which the mark was first used.

**Response:**

TRADE SECRET/COMMERCIALY SENSITIVE material produced pursuant to Protective Order. Please see General Objection No. 9. Responsive documents have been identified and will be available for exchange at a mutually convenient place and time.

**Interrogatory No. 14:**

Identify all documents and set forth with specificity all facts with respect to any instance where a person or entity has been confused, mistaken, and/or deceived as to whether any goods or services advertised or sold under Registrant's Mark are those of Petitioner, or are connected or associated with Petitioner, and for each such incident provide the date of such incident, the identity of the person or entity, and a detailed description of the circumstances of such confusion, mistake and/or deception.

**Response:**

Please see General Objection No. 9. While preserving this objection, Gold Star knows of no instance of actual confusion at this time.

**Interrogatory No. 15:**

Identify all documents and set forth with specificity the substance of each communication, oral or written, received by Registrant, which suggests, implies or infers that any of the products of Registrant sold under Registrant's Mark, or any mark that includes the terms BABUSHKA'S or BABUSHKINO, is a product of Petitioner or is affiliated, connected and/or associated with Petitioner, or which inquires as to whether there is or may be an affiliation, connection and/or association between Registrant and Petitioner, and identify any response(s) by Registrant to each such communication.

**Response:**

Please see General Objection No. 9. While preserving this objection, Gold Star



knows of no responsive documents or communications at this time.

**Interrogatory No. 16:**

Identify all inquiries, investigations, surveys, evaluations and or studies conducted by Registrant or by anyone acting for or on its behalf with respect to Registrant's Mark, and marks owned or used by Registrant which incorporate the terms BABUSHKA'S or BABUSHKINO as an element of the mark, including the date conducted, the name, address and title of each person who conducted it, the purpose for which it was conducted, the findings or conclusions made. and identify all documents which record, refer to, or relate to such inquiry, investigation. survey evaluation or study.

**Response:**

TRADE SECRET/COMMERCIALY SENSITIVE material produced pursuant to Protective Order. Please see General Objection No. 9. No documents sufficient to provide a response to this Interrogatory have been identified. The search is ongoing.

**Interrogatory No. 17:**

Identify each different sign, display, point-of-sale display, label, hangtag, wrapper, container, package, advertisement, brochure, promotional material, and the like, known to Registrant which contains or bears Registrant's Mark or any variation thereof and which is intended to be used or has been used or disseminated at any time by Registrant.

**Response:**

Please see General Objection No. 2. Subject to that Objection, and without waiving

that Objection, Registrant will make available for inspection and copying on a mutually agreeable date and time those non-privileged documents within its possession, custody or control it deems responsive to this Interrogatory.

**Interrogatory No. 18:**

Identify each person employed by Registrant, or each outside agency or agent retained by Registrant, who has been or now is responsible for the following activity with respect to any of the goods or services intended to be offered or rendered or actually offered or rendered under Registrant's Mark:

- a. marketing;
- b. advertising and promotion; and
- c. bookkeeping and accounting.

**Response:**

- a. Galina Pincow and James Pincow.
- b. Galina Pincow and James Pincow.
- c. Galina Pincow, Lyudmila Glants and Rima Vulikh

**Interrogatory No. 19:**

Has Registrant ever licensed or permitted or had negotiations to license or permit or otherwise granted rights to third parties to use Registrant's Mark or any mark including the terms BABUSHKA'S or BABUSHKINO as a component? If so, identify the party or parties who have received or sought such license or permission or other right, state the nature and extent of any such license or permitted use or right, given or negotiated. and identify and

describe all documents comprising or containing any such license, permission, or other right or any agreement in respect to such mark.

**Response:**

No.

**Interrogatory No. 20:**

For each of the goods or services sold under Registrant's Mark, set forth the number of units and dollar amount of the annual sales of such goods or services, the dollar amount of annual advertising expenditure on such goods or services, and the individual media through which such advertising took place, and the dollar amount of advertising through each such media: and identify documents sufficient to support your response to this interrogatory.

**Response:**

TRADE SECRET/COMMERCIALY SENSITIVE material produced pursuant to Protective Order. Documents sufficient to respond to this Interrogatory have been identified and will be available for exchange at a mutually convenient place and time. As to advertising, Registrant does not have separate budget for advertising goods under Registrant's Mark, and so this information is not readily available.

**Interrogatory No. 21:**

State in detail the channels of trade in which Registrant's Mark is used and/or in which goods bearing Registrant's Mark are sold, including the geographic area by state, territory or possession in which Registrant's Mark is used and/or sold, the manner in which

the goods or services reach the ultimate consumer, the geographical reach of each such channel, and the approximate percentage of total sales of goods and/or services through each such channel, and identify documents sufficient to support your response to this interrogatory.

**Response:**

TRADE SECRET/COMMERCIALY SENSITIVE material produced pursuant to Protective Order. Registrant sells goods under Registrant's Mark worldwide and throughout the United States. Registrant's sales are generally made to retailers, either directly or through wholesalers, who re-sell the goods to retailers.

**Interrogatory No. 22:**

Identify each statement or opinion obtained by or for Registrant regarding any issue in this cancellation proceeding including, but not limited to, whether the statement was oral or in writing, and identify all documents which record, refer to, or relate to such statement or opinion

**Response:**

Please see General Objection No. 1. As understood, none.

**Interrogatory No. 23:**

Identify with specificity the marketing methods used in the advertising and/or sale of goods and/or services by or for Registrant under Registrant's Mark, including, without limitation, the names of television stations, radio stations. Internet web sites, newspapers,

magazines, trade journals or periodicals, and/or retail establishments in which Registrant has advertised and intends to advertise its goods and/or services under Registrant's Mark, and identify documents sufficient to support your response to this interrogatory.

**Response:**

Catalogues, flyers, sell sheets and sales by company personnel. Registrant will make available for inspection and copying on a mutually agreeable date and time those non-privileged documents within its possession, custody or control it deems responsive to this Request.

**Interrogatory No. 24:**

Identify the ordinary purchaser of the goods or services sold and intended to be sold under Registrant's Mark including, without limitation, the level of care exercised by such an ordinary purchaser in purchasing the goods or services sold under Registrant's Mark.

**Response:**

Registrant sells its products directly to wholesalers, distributors, grocery stores, supermarkets, ethnic stores and specialty food stores. The products' ultimate consumers, however, are the retail customers of those stores, who may range in education from children to recent émigrés to highly educated professionals. It is believed that the level of care that general consumers exercise, however, is not high, given the cost of the products.

**Interrogatory No. 25:**

Identify all documents relating to and set forth with specificity all facts regarding any

instance where Registrant has notified anyone that any trademark or service mark used by that person or entity infringed Registrant's Mark and/or any mark of Registrant that includes the terms BABUSHKA'S or BABUSHKINO, and for each such instance provide a detailed description of any action taken thereafter.

**Response:**

Please see General Objection No. 9. Subject to, and without waiving that Objection, Gold Star responds as follows: On or about May 11, 2002, counsel for Gold Star sent a facsimile transmission to Natar Foods, Inc. ("Natar") demanding that Natar cease and desist from using the mark "Бабушкин Творог" for farmer cheese. To the best knowledge, information and belief of Gold Star, Natar has ceased using that mark applied to those goods. Registrant will make available for inspection and copying on a mutually agreeable date and time those non-privileged documents within its possession, custody or control it deems responsive to this Interrogatory.

**Interrogatory No. 26:**

Has Registrant ever been a party to any litigation or administrative proceeding, other than the present cancellation proceeding involving Registrant's Mark? If so, state all circumstances surrounding same including, without limitation, the name of the parties and identification of the proceeding, Registrant's status therein, the mark or marks involved, the type of proceeding involved, the name of the court or agency in which it was filed, the date of the filing and the file number, the ultimate disposition of the proceedings, and identify each document relating to such proceeding.

**Response:**

No.

**Interrogatory No. 27:**

For purposes of establishing priority of use, identify the earliest date upon which Registrant intends to rely in this proceeding with respect to its use of Registrant's Mark and/or any mark that includes the terms BABUSHKA or BABUSHKINO, and produce all documents relating to such use(s).

**Response:**

Shortly after April 7, 1998. Registrant will make available for inspection and copying on a mutually agreeable date and time those non-privileged documents within its possession, custody or control it deems responsive to this Request

**Interrogatory No. 28:**

Describe the meaning and derivation of the phrase BABUSHKA'S RECIPE as used in connection with the goods of Registrant upon or in connection with which Registrant has used that phrase.

**Response:**

The phrase "BABUSHKA'S RECIPE" means "grandmother's recipe. It has no meaning in connection with the goods of Registrant upon or in connection with which Registrant has used it.

**Interrogatory No. 29:**

State the approximate percentage of sales of products bearing Registrant's Mark via the Internet versus other sales channels, and identify documents sufficient to support your response to this Interrogatory.

**Response:**

Please see General Objection No. 2. Subject to that Objection, and without waiving that Objection, Registrant makes no sales over the Internet.

**Interrogatory No. 30:**

Identify all experts employed by Registrant for purposes of this action. For each expert, identify his or her field of specialization, whether Registrant intends to call him or her as a witness, the subject matter on which he or she is expected to testify, the bases for each opinion, and identify all documents that relate in any way to the subject matter, facts, and/or circumstances as to which the expert is expected to testify.

**Response:**

Registrant has not as yet retained any expert.

**Interrogatory No. 31:**

Identify each non-expert witness that Registrant expects to testify, the subject matter on which the witness is expected to testify, each fact and/or opinion to which the witness is expected to testify, the bases for each opinion and identify all documents that relate in any way to the subject matter, facts, and/or circumstances as to which the witness is expected to



testify.

**Response:**

Registrant has not yet identified all of the witnesses it intends to call, nor the exact subject matter of the testimony on which any witness will testify.

**Interrogatory No. 32:**

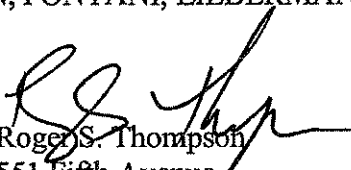
Identify each person who participated in or supplied information used in answering any of the above interrogatories; beside the name of each such person, state the number of the interrogatory answer(s) with respect to which the person participated in or supplied information.

**Response:**

Galina Pincow, all Interrogatories.

Signed as to Objections  
COHEN, PONTANI, LIEBERMAN & PAVANE

By

  
Roger S. Thompson  
551 Fifth Avenue  
New York, New York 10176  
(212) 687-2770

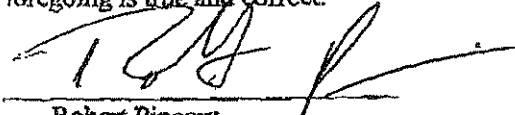
Dated: June 20, 2007

*Attorneys for Registrant,  
International Gold Star Trading Corp.*

**DECLARATION OF ROBERT PINCOW**

Robert Pincow declares that he has been authorized by International Gold Star Trading Corp. to make the within Registrant's Responses to Petitioner's Interrogatories and knows the contents thereof, and that to the best of his knowledge, information and belief, after a review of corporate records and a reasonable inquiry, they are true.

I declare under penalty of perjury that the foregoing is true and correct.



Robert Pincow

Executed On June 20, 2007

**CERTIFICATE OF SERVICE**

I hereby certify that on the date set forth below, a true and correct copy of the foregoing Registrant's Supplemental Responses to Petitioner's Interrogatories, was served by first class mail, postage prepaid, on counsel for Petitioner, addressed as follows:

Samuel Friedman, Esq.  
225 Broadway, Suite 1804  
New York, New York 10007

  
\_\_\_\_\_  
Roger S. Thompson  
*Counsel for Registrant*

June 20, 2007  
Date

100A Cabot Street  
West Babylon, NY 11704  
631- 420-4949  
631-420-4909 (Fax)

# Gem Printing

May 2, 2007

Gold Star International  
570 Smith Street  
Brooklyn, NY 11231

Galina,

Per our conversation yesterday I have enclosed copies of our records regarding the "Babushka's Recipe" labels. These include our job record files and invoices dated after July 19, 2000. As I explained I purchased Gem Printing on July 19, 2000 and unfortunately do not have access to copies of invoices prior to that date. I have asked my accountant to review his files to see if he can locate any information that may be of assistance.

Our records indicate that these labels were first produced on April 7, 1998. At that time a total of 14, 000 labels in four versions and two sizes (4" x 8" butt cut and a 4.75" circle) were made. The original order quantities each of two sizes were: Original Yogurt Cheese – 4,000 labels, Smoked Yogurt Cheese – 1,000 labels, Garlic & Herb Yogurt Cheese – 1,000 labels, and Vegetable Yogurt Cheese – 1,000 labels.

Our records indicate that on July 12, 1999 an additional version, Havarti Yogurt Cheese was created. A total of 5,000 labels were produced.

I hope this information is helpful. If I am able to locate any additional information, I will forward it to your attention as soon as it is available. If you have any questions or comments please feel free to contact me at the number above.

Regards,

Dan Bartolomeo

Four Seasons Dairy, Inc., Petitioner  
v  
International Gold Star Trading Corp., Registrant  
Cancellation No. 92/042,082

Petitioner Exhibit 2010

10-16-08

GOLD0204

.....

100A Cabot Street  
West Babylon, NY 11704  
631- 420-4949  
631-420-4909 (Fax)

## Gem Printing

May 24, 2007

Gold Star International  
570 Smith Street  
Brooklyn, NY 11231

Galina,

Per our conversation I have enclosed copies of our records regarding the "Babushka's Recipe" Farmer Cheese Tropol labels. These include our invoice as well as a facsimile of the label.

Our records indicate that these labels were first produced on September 29, 2000. At that time a total of 5,500 labels (4" x 8" butt cut ) were made. These labels were printed blue and gold on a clear stock.

I hope this information is helpful. If I am able to locate any additional information, I will forward it to your attention as soon as it is available. If you have any questions or comments please feel free to contact me at the number above.

Regards,

Dan Bartolomeo

.....

GOLD0205

GOLD STAR  
 4" x 8" Butt Cut  
 Pld. Three Colors  
 On white stock  
 Put up 500/200

Job #5860

# YOGURT CHEESE

4/1/98 - 7,000 @ <sup>4240/m</sup> 55.85/m. ATP 190.00 P.P. 360.00 (6 @ 60.00) GALINA  
 4/m - ORIGINAL YOGURT 1/m - GARLIC & HERB  
 1/m - SMOOKED YOGURT 1/m - VEGETABLE YOGURT  
 4/2/99 - 10,000 @ 48.40/m P.U. M. CHAS - 2m ORIGINAL 1,000 SMOOKED  
 3,000 VEGETABLE 1,000 GARLIC & HERB  
 7/12/99 5,000 @ 55.85/m ATP 125.00 P.P. 180.00 "Havarti Robust  
 Yogurt Cheese"







TBA# 5860





GOLD STAR INTERNATIONAL  
 4 3/4" Circle  
 Pkt Three Colors  
 On white Stock  
 Put up 500/roll

JOB #5864

YOGURT CHEESE



\* 32.10/m  
 4/1/78 - 2,000 @ 35.10/m - ATP \$190.00 RP \$60.00 (6 @ 60.00) CALINA  
 4/m - ORIGINAL YOGURT 1/m - GARLIC & HERB  
 1/m - SMOKED YOGURT 1/m - VEGETABLE YOGURT  
 4/2/79 - 2,000 @ 33.10/m P.O. MICHIGAN - 3/m Original 1/m - Smoked  
 1/m - Smoked Herbs

Job # 564



TB#5864





UPC (A) General  
Encoded:021143420234  
BWR:0.0423 mm  
1.67 mils  
W/N Ratio2.00  
Bar Height23.8507 mm  
Magnification99.36%  
x-dim0.3281 mm  
N Bar Width0.2858 mm  
Printer dpi: 2400  
Film?ositive/Up  
CompanyLL  
ClientGold Star  
Job: Babuska/YC/VegLoaf  
Date:12/29/97



UPC (A) General  
Encoded:021143420111  
B&W: 0.0423 mm  
1.67 mils  
W/N Ratio:2.00  
Bar Height:23.8507 mm  
Magnification:9.36%  
x-dim:0.3281 mm  
N Bar Width:0.2858 mm  
Printer dpi: 2400  
Film:positive/Up  
Company:LL  
Client:Gold Star  
Job: Babuska/YC/Garlic Wheel  
Date:12/29/97





UPC (A) General

Encoded:021143420128

B&W: 0.0423 mm

1.67 mils

W/N Ratio2.00

Bar Height23.8507 mm

Magnification89.36%

x-dim0.3281 mm

N Bar Width0.2858 mm

Printer dpi: 2400

FilmPositive/Up

CompanyLL

ClientGold Star

Job:Babuska/YC/SmokWheel

Date:12/29/97



UPC (A) General  
Encoded:021143420135  
BWH:0.0423 mm  
1.67 mils  
W/N Ratio:2.00  
Bar Height:23.8507 mm  
Magnification:99.36%  
x-dim:0.3281 mm  
N Bar Width:0.2858 mm  
Printer dpi: 2400  
Film:Positive/Up  
Company:LL  
Client:Gold Star  
Job:Rabuska/YC/VegWheel  
Date:12/29/97



UPC (A) General

Encoded:021143420142

BWR: 0.0423 mm

1.67 mils

W/N Ratio2.00

Bar Height23.8507 mm

Magnification89.36%

x-dim0.3281 mm

N Bar Width0.2858 mm

Printer dpi: 2400

FilmPositive/Up

CompanyLL

ClientGold Star

Job:Babuska/YC/OrigWheel

Date:12/29/97





UPC (A) General  
Encoded:021143420210  
BWR: 0.0423 mm  
1.67 mils  
W/N Ratio:2.00  
Bar Height:23.8507 mm  
Magnification:9.36%  
x-dim:0.3281 mm  
N Bar Width:0.2858 mm  
Printer dpi: 2400  
Film:Positive/Up  
Company:LL  
Client:Gold Star  
Job: Babuska/YC/Garlic Loaf  
Date:12/29/97



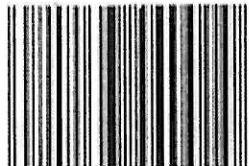
UPC (A) General  
Encoded:021143420227  
BWH: 0.0423 mm  
1.67 mils  
W/N Ratio:2.00  
Bar Height:23.8507 mm  
Magnification:99.36%  
x-dim:0.3281 mm  
N Bar Width:0.2858 mm  
Printer dpi: 2400  
Film:Positive/Up  
Company:LL  
Client:Gold Star  
Job:Bobuska/YC/SmokLeaf  
Date:12/29/97



UPC (A) General  
Encoded:021143420234  
BWR: 0.0423 mm  
1.67 mils  
W/N Ratio2.00  
Bar Height23.8507 mm  
Magnification99.36%  
x-dim0.3281 mm  
N Bar Width0.2858 mm  
Printer dpi: 2400  
FilmPositive/Up  
CompanyLL  
ClientGold Star  
Job: Babuska/YC/VegLoaf  
Date:12/29/97



UPC (A) General  
Encoded:021143420241  
BWR:0.0423 mm  
1.67 mils  
W/N Ratio2.00  
Bar Height23.8507 mm  
Magnification99.36%  
x-dim0.3281 mm  
N Bar Width0.2858 mm  
Printer dpi: 2400  
Film?Positive/Up  
CompanyLL  
Client:Gold Star  
Job:Babuska/YC/Orig Loaf  
Date:12/29/97



UPC (A) General  
Encoded:021143440010  
BWR: 0.0423 mm  
1.67 mils  
W/N Ratio2.00  
Bar Height23.8507 mm  
Magnification99.36%  
x-dim0.3281 mm  
N Bar Width0.2858 mm  
Printer dpi: 2400  
FilmPositive/Up  
CompanyLL  
ClientGold Star  
Job:Babuska/Kefir/Plain  
Date:12/29/97



UPC (A) General

Encoded:021143440027

BWR: 0.0423 mm

1.67 mils

W/N Ratio2.00

Bar Height23.8507 mm

Magnification99.36%

x-dim0.3281 mm

N Bar Width0.2858 mm

Printer dpi: 2400

FilmPositive/Up

CompanyLL

ClientGold Star

Job:Babuska/Kefir/Lowfat

Date:12/29/97





Pantone 872 CV

Window, leaves, milk pot



Pantone Warm Red CV

Banners, flowers, scarf, accents



Process Black

Outlines



**From:** s "Galina Pincow" <Galina@GoldStarUSA.com>  
**To:** <jpincow@goldstarusa.com>  
**Subject:** Fw: Files from 1997  
**Attachments:** [Attachment 1.dat](#), [dirBabushkaKefirCheese.jpg](#), [dirBabushkaKefirCheese.jpg](#), [Archive.zip](#)

**Date:** Thursday, May 24, 2007 11:03 AM

[HTML](#) | [Plain Text](#) | [Header](#) | [Raw Content](#)

Galina Pincow  
International Gold Star, Inc.  
Tel. (718) 522-1545  
E-mail: [Galina@GoldStarUSA.com](mailto:Galina@GoldStarUSA.com)

----- Original Message -----

**From:** "James Pincow"  
**To:**  
**Sent:** Tuesday, May 22, 2007 1:03 PM  
**Subject:** fw: Files from 1997

----- Original Message -----

> **From:** Irina Lubenskaya  
> **Sent:** Tuesday, May 22, 2007 12:52 PM  
> **To:** [jpincow@goldstarusa.com](mailto:jpincow@goldstarusa.com)  
> **Subject:** Files from 1997  
>  
> James,  
>  
> I found the disk with Babushka files.  
>  
> Attached is a screen capture of the files directory and a Zipped folder  
> with files, all dated November-December 1997. I'll be happy to send you  
  
> the original disk (it's a Zip disk), if needed.  
>  
> Let me know if you would still like me to write a letter and to whom it  
> should be addressed.  
>  
> Best regards.  
>  
> Irina Lubenskaya  
> 914-747-3972 cell: 917-628-3284  
> [irina@dbdma.com](mailto:irina@dbdma.com)

Four Seasons Dairy, Inc., Petitioner  
v.  
International Gold Star Trading Corp., Registrant  
Cancellation No. 92/042,082

Petitioner Exhibit

207

KK

10-16-08

Babushka/Kefir/Cheese

Q local disks

Name	Date Modified	Size	Kind
42011YCGanWheel.EPS	December 29, 1997, 3:43 PM	26 KB	NSPost...ardType
42012YCSmokWh.EPS	December 29, 1997, 3:44 PM	27 KB	NSPost...ardType
42013YCVegWh.EPS	December 29, 1997, 3:47 PM	26 KB	NSPost...ardType
42014YCOriGWheel.EPS	December 29, 1997, 3:49 PM	26 KB	NSPost...ardType
42021YCGarLoaf.EPS	December 29, 1997, 3:42 PM	26 KB	NSPost...ardType
42022YCSmokLoaf.EPS	December 29, 1997, 3:45 PM	26 KB	NSPost...ardType
42023YCVegLoaf.EPS	December 29, 1997, 3:48 PM	26 KB	NSPost...ardType
42024YCOriGLoaf.EPS	December 29, 1997, 3:49 PM	26 KB	NSPost...ardType
44001KefirPI.EPS	December 29, 1997, 3:39 PM	26 KB	NSPost...ardType
44002KefirLF.EPS	December 29, 1997, 3:40 PM	26 KB	NSPost...ardType
Cheese.doc	December 30, 1997, 8:29 AM	764 KB	QuarkX...cument
grannyCollect.eps	July 27, 1997, 7:55 PM	6.9 MB	Adobe ... EPS file
grannyColor4.eps	December 1, 1997, 7:44 AM	8.5 MB	EPS File
grannyColor4.epsold	November 30, 1997, 3:08 PM	8.5 MB	EPS File
Kefir.doc	December 30, 1997, 8:15 AM	281 KB	QuarkX...cument

Network

Macintosh HD

DesignBrigade

Firefox

Zip 100

Desktop

irinalubenskaya

Applications

Documents

Movies

Music

Pictures

15 items, 1 MB available

GOLD0008



INTERNATIONAL GOLD STAR TRADING CORP.

570 Smith Street, Brooklyn, NY 11231  
Tel: (718) 522-1545; Fax: (718) 260-9194

# ЭКСКЛЮЗИВНО ОТ GOLD STAR !



**ДОМАШНЕЕ  
МАСЛО  
9 / 5 LB**

**\$ LB**

2-60

**#48001**

\* ALL PRICES ARE SUBJECT TO CHANGE WITHOUT PRIOR NOTICE

Four Seasons Dairy, Inc., Petitioner  
v.  
International Gold Star Trading Corp., Registrant  
Cancellation No. 92/042,082

Petitioner Exhibit

208

KK

10-16 08

GOLD0015

INTERNATIONAL GOLD STAR TRADING CORP.  
570 SMITH STREET  
BROOKLYN, NY 11231 USA



TEL: (718) 522-1545 FAX: (718) 260-9194  
www.goldstarco.com  
E-mail: ind@goldstarco.com

99c and below

**SNACKS:**

**Item# Description**

- 64601 WAFER LEMON ISRAEL (24 X 200g)
- 64605 WAFER CUBITES ISRAEL (18 X 200g)
- 64603 WAFER VANILLA ISRAEL (24 X 200g)
- 60101 COOKIES CHERRY 15 / 160g
- 60101 COOKIES BUTTER BISCUIT 15 / 160g

2 FOR 99C

**BEVERAGES:**

**CLOSEOUT DUE TO A CLOSE EXPIRATION DATE**

- |  |         |
|--|---------|
| 55001 SAINT SPRING MINERAL WATER (NON SPARKLING)     | 12/1.5L |
| 55002 SAINT SPRING MINERAL WATER (SPARKLING)         | 12/1.5L |
| 55004 SAINT SPRING MINERAL WATER (SPARKLING, ORANGE) | 12/1.5L |
| 52102 ORANGE SOFT DRINK "FANTASTIKA"                 | 6/1.5L  |
| 52103 PEAR SOFT DRINK "FANTASTIKA"                   | 6/1.5L  |
| 52104 KREM-SODA SOFT DRINK "FANTASTIKA"              | 6/1.5L  |

2 FOR 99C

**GROCERY:**

- |  |              |         |
|--|--------------|---------|
| 30312 SOUP PEA VEGETERIAN 12 / 05          | \$0.99       | \$11.88 |
| 35607 CHERRY PRESERVES "OMA" 6 / 350g      | \$0.99       | \$5.94  |
| 35609 RASPBERRY PRESERVES "OMA" 6 / 350g   | \$0.99       | \$5.94  |
| 32133 JAM STRAWBERRY "VERES" 12 / 385g     | \$0.99       | \$11.88 |
| 32135 JAM APRICOT "VERES" 12 / 400g        | \$0.99       | \$11.88 |
| 32134 JAM PEACH "VERES" 12 / 400g          | \$0.99       | \$11.88 |
| 32122 BEANS UKRAINIAN STYLE 12 / 500g      | \$0.99       | \$11.88 |
| 32123 BEANS W/VEGETABLES 12 / 530g         | \$0.99       | \$11.88 |
| 32108 KETCHUP HOT "PICNINC" 30 / 300g      | 2 FOR \$0.99 |         |
| 35531 LETCHO 8 / 720g "CHUMAK"             | \$0.99       | \$7.92  |
| 39905 PICKLED ASSORTMENT 6 / 1020g HUNGARY | \$0.99       | \$5.94  |
| 39901 LETCHO 6 / 500g HUNGARY              | \$0.65       | \$3.90  |
| 32119 STUFFED PEPPERS W/CABAGE 6 / 1020g   | \$0.99       | \$5.94  |
| 39000 PICKLES BABUSHKA'S RECIPE 12 / 720g  | \$0.79       | \$9.48  |

**\* ALL PRICES ARE SUBJECT TO CHANGE**

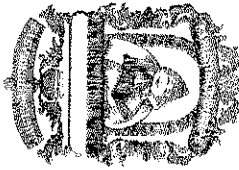
Four Seasons Dairy, Inc., Petitioner  
v.  
International Gold Star Trading Corp., Registrant  
Cancellation No. 92/042,082

Petitioner Exhibit

209 KK  
10-16-08

GOLD0016

# FARMER CHEESE (TVOROG)



INGREDIENTS: CUL-TURED PASTEURIZED  
SKIM MILK, CREAM, SALT

DISTRIBUTED BY:

Int'l Gold Star Trading Corp.

Brooklyn, NY 11231

Tel: (718) 522-1545

KEEP REFRIGERATED

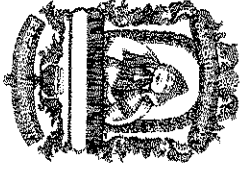
TO BE WEIGHED AT TIME OF SALE

**Nutrition Facts**  
Serving Size 1 oz (30g) (about 2 Tbsp.)  
Amount Per Serving  
Calories 50  
Calories from Fat 25

% Daily Value

Total Fat 2.5g	40%
Saturated Fat 1.5g	30%
Cholesterol 10 mg	40%
Sodium 120 mg	50%
Total Carbohydrate 0g	0%
Dietary Fiber 0g	0%
Sugars 0g	
Protein 5g	
Vitamin A 0% Vitamin C 0%	
Calcium 0%	Iron 0%

# FARMER CHEESE (TVOROG)



INGREDIENTS: CUL-TURED PASTEURIZED  
SKIM MILK, CREAM, SALT

DISTRIBUTED BY:

Int'l Gold Star Trading Corp.

Brooklyn, NY 11231

Tel: (718) 522-1545

KEEP REFRIGERATED

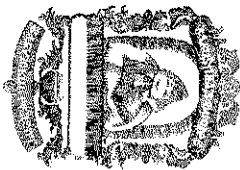
TO BE WEIGHED AT TIME OF SALE

**Nutrition Facts**  
Serving Size 1 oz (30g) (about 2 Tbsp.)  
Amount Per Serving  
Calories 50  
Calories from Fat 25

% Daily Value

Total Fat 2.5g	40%
Saturated Fat 1.5g	30%
Cholesterol 10 mg	40%
Sodium 120 mg	50%
Total Carbohydrate 0g	0%
Dietary Fiber 0g	0%
Sugars 0g	
Protein 5g	
Vitamin A 0% Vitamin C 0%	
Calcium 0%	Iron 0%

# FARMER CHEESE (TVOROG)



INGREDIENTS: CUL-TURED PASTEURIZED  
SKIM MILK, CREAM, SALT

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KEEP REFRIGERATED

TO BE WEIGHED AT TIME OF SALE

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Serving Size 1 oz (30g) (about 2 Tbsp.)  
Amount Per Serving  
Calories 50  
Calories from Fat 25

% Daily Value

Total Fat 2.5g	40%
Saturated Fat 1.5g	30%
Cholesterol 10 mg	40%
Sodium 120 mg	50%
Total Carbohydrate 0g	0%
Dietary Fiber 0g	0%
Sugars 0g	
Protein 5g	
Vitamin A 0% Vitamin C 0%	
Calcium 0%	Iron 0%

# FARMER CHEESE (TVOROG)



INGREDIENTS: CUL-TURED PASTEURIZED  
SKIM MILK, CREAM, SALT

Four Seasons Dairy, Inc., Petitioner

International Gold Star Trading Corp., Registrant

Cancellation No. 92/042,082

Petitioner Exhibit 210

10/18/08

**Nutrition Facts**  
Serving Size 1 oz (30g) (about 2 Tbsp.)  
Amount Per Serving  
Calories 50  
Calories from Fat 25

% Daily Value

Total Fat 2.5g	40%
Saturated Fat 1.5g	30%
Cholesterol 10 mg	40%
Sodium 120 mg	50%
Total Carbohydrate 0g	0%
Dietary Fiber 0g	0%
Sugars 0g	
Protein 5g	
Vitamin A 0% Vitamin C 0%	
Calcium 0%	Iron 0%